

An Act

SENATE BILL 18-092

BY SENATOR(S) Martinez Humenik, Moreno, Tate, Zenzinger, Kefalas, Smallwood;
also REPRESENTATIVE(S) Hooton, Arndt, Thurlow, McKean, Herod, Lontine, Rosenthal.

CONCERNING UPDATING STATUTORY REFERENCES TO "COUNTY DEPARTMENTS OF SOCIAL SERVICES".

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. The general assembly declares that the purpose of Senate Bill 18-092, enacted in 2018, is to effect a nonsubstantive change in statute to modernize outdated references to "county department(s) of social services" to a term that reflects that counties use different labels for the department that handles human and social services duties. The general assembly further declares that these terminology changes do not in any way alter the scope or applicability of the statutory sections in which the terminology appears.

SECTION 2. In Colorado Revised Statutes, 8-40-202, amend (1)(a)(III) as follows:

8-40-202. Employee. (1) "Employee" means:

Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(a) (III) Any person who, as part of a rehabilitation program of the DEPARTMENT OF HUMAN OR social services ~~department~~ of any county or city and county, is placed with a private employer for the purpose of training or learning trades or occupations ~~shall be~~ IS deemed while so engaged to be an employee of such private employer. Any person who receives a work experience assignment to a position in any department or agency of any county or municipality, in any school district, in the office of any state agency or political subdivision thereof, or in any private for profit or any nonprofit agency pursuant to the provisions of part 7 of article 2 of title 26 ~~C.R.S., shall be~~ IS deemed while so assigned to be an employee of the respective department, agency, office, political subdivision, private for profit or nonprofit agency, or school district to which said person is assigned or, if so negotiated between the county and the entity to which the person is assigned, of the county arranging the work experience assignment. Any person who receives a work experience assignment to a position in any federal office or agency pursuant to part 7 of article 2 of title 26 ~~C.R.S., shall be~~ IS deemed while so assigned to be an employee of the county arranging the work experience assignment. The rate of compensation for such persons if accidentally injured or, if killed, for their dependents ~~shall be~~ IS based upon the wages normally paid in the community in which they reside for the type of work in which they are engaged at the time of such injury or death; except that, if any such person is a minor, compensation to such minor for permanent disability, if any, or death benefits to such minor's dependents ~~shall~~ MUST be paid at the maximum rate of compensation payable under articles 40 to 47 of this title TITLE 8 at the time of the determination of such disability or of such death.

SECTION 3. In Colorado Revised Statutes, 8-43-204, amend (5) as follows:

8-43-204. Settlements - rules. (5) If an employee owes a debt for which a writ is issued as a result of a judgment for fraudulently obtained public assistance, fraudulently obtained overpayments of public assistance, or excess public assistance paid for which the recipient was ineligible and a garnishment has been filed pursuant to section 13-54-104 or 13-54.5-101 ~~C.R.S.,~~ with the insurer or self-insured employer, all proceeds of any award, lump sum settlement, and the indemnity portion of any structured settlement ~~shall be~~ ARE subject to the garnishment. Proceeds up to the amount of the garnishment shall be paid as directed by the county department of HUMAN

OR social services responsible for administering the state public assistance programs.

SECTION 4. In Colorado Revised Statutes, 12-43-215, amend (3) as follows:

12-43-215. Scope of article - exemptions. (3) The provisions of this ~~article shall~~ ARTICLE 43 DO not apply to employees of the STATE department of human services, employees of county departments of HUMAN OR social services, or personnel under the direct supervision and control of the STATE department of human services or any county department of HUMAN OR social services for work undertaken as part of their employment.

SECTION 5. In Colorado Revised Statutes, 12-43-410, amend (1) and (2) as follows:

12-43-410. Employees of social services. (1) Notwithstanding the exemption in section 12-43-215 (3), an employee of the STATE department of human services, employee of a county department of human or social services, or personnel under the direct control or supervision of those departments, shall not state that he or she is engaged in the practice of social work as a social worker or refer to himself or herself as a social worker unless the person is licensed pursuant to this part 4 or has completed an earned social work degree, as defined in section 12-43-401 (11).

(2) Notwithstanding the exemption in section 12-43-215 (3), any employee licensed pursuant to this ~~article~~ ARTICLE 43 who is terminated from employment by the STATE department of human services or a county department of HUMAN OR social services is subject to review and disciplinary action by the board that licenses or regulates the employee.

SECTION 6. In Colorado Revised Statutes, 13-3-114, amend (1)(c) and (2)(b) as follows:

13-3-114. State court administrator - compensation for exonerated persons - definitions - annual payments - child support payments - financial literacy training - qualified health plan - damages awarded in civil actions - reimbursement to the state. (1) As used in this section, unless the context otherwise requires:

(c) "Incarceration" means a person's custody in a county jail or a correctional facility while he or she serves a sentence issued pursuant to the person's conviction of a felony or pursuant to the person's adjudication as a juvenile delinquent for the commission of one or more offenses that would be felonies if committed by a person eighteen years of age or older. For the purposes of this section, "incarceration" includes placement as a juvenile to the custody of the state department of human services or a county department of HUMAN OR social services.

(2) Not more than fourteen days after the state court administrator receives directions from a district court pursuant to section 13-65-103 to compensate an exonerated person, the state court administrator shall:

(b) Pay on the exonerated person's behalf any amount of compensation for child support payments owed by the exonerated person that became due during his or her incarceration, or any amount of interest on child support arrearages that accrued during his or her incarceration but which have not been paid, as described in section 13-65-103 (2)(e)(III). The state court administrator, or his or her designee, shall make such payment in a lump sum to the appropriate county department of HUMAN OR social services or other agency responsible for receiving such payments not more than thirty days after the state court administrator receives directions from a district court to compensate an exonerated person pursuant to section 13-65-103.

SECTION 7. In Colorado Revised Statutes, 13-5-145, amend (2)(c) as follows:

13-5-145. Truancy detention reduction policy - legislative declaration. (2) The chief judge in each judicial district, or his or her designee, shall convene a meeting of community stakeholders to create a policy for addressing truancy cases that seeks alternatives to the use of detention as a sanction for truancy. Community stakeholders may include, but need not be limited to:

(c) Representatives from county DEPARTMENTS OF human OR SOCIAL services; and ~~social services departments;~~

SECTION 8. In Colorado Revised Statutes, 13-14-103, amend (1)(c) as follows:

13-14-103. Emergency protection orders. (1) (c) In cases involving a minor child, the juvenile court and the district court ~~shall~~ have the authority to issue emergency protection orders to prevent an unlawful sexual offense, as defined in section 18-3-411 (1), ~~C.R.S.~~, or to prevent domestic abuse, as defined in section 13-14-101 (2), when requested by the local law enforcement agency, the county department of HUMAN OR social services, or a responsible person who asserts, in a verified petition supported by affidavit, that there are reasonable grounds to believe that a minor child is in danger in the reasonably foreseeable future of being the victim of an unlawful sexual offense or domestic abuse, based upon an allegation of a recent actual unlawful sexual offense or domestic abuse or threat of the same. Any emergency protection order issued pursuant to this subsection (1) ~~shall~~ MUST be on a standardized form prescribed by the judicial department and a copy ~~shall~~ MUST be provided to the protected person.

SECTION 9. In Colorado Revised Statutes, 13-54-104, **amend** (1)(b)(IV) as follows:

13-54-104. Restrictions on garnishment and levy under execution or attachment - definitions. (1) As used in this section, unless the context otherwise requires:

(b) (IV) For the purposes of writs of garnishment issued by a county department of HUMAN OR social services responsible for administering the state public assistance programs, which writs are issued as a result of a judgment for a debt for fraudulently obtained public assistance, fraudulently obtained overpayments of public assistance, or excess public assistance paid for which the recipient was ineligible, "earnings" ~~shall include~~ INCLUDES workers' compensation benefits.

SECTION 10. In Colorado Revised Statutes, 13-54.5-101, **amend** the introductory portion and (2)(d) as follows:

13-54.5-101. Definitions. As used in this ~~article~~ ARTICLE 54.5, unless the context otherwise requires:

(2) (d) For the purposes of writs of garnishment issued by a county department of HUMAN OR social services responsible for administering the state public assistance programs, which writs are issued as a result of a

judgment for a debt for fraudulently obtained public assistance, fraudulently obtained overpayments of public assistance, or excess public assistance paid for which the recipient was ineligible, "earnings" ~~shall include~~ INCLUDES workers' compensation benefits.

SECTION 11. In Colorado Revised Statutes, 13-65-101, amend the introductory portion and (5) as follows:

13-65-101. Definitions. As used in this ~~article~~ ARTICLE 65, unless the context otherwise requires:

(5) "Incarceration" means a person's custody in a county jail or a correctional facility while he or she serves a sentence issued pursuant to a felony conviction in this state or pursuant to the person's adjudication as a juvenile delinquent for the commission of one or more offenses that would be felonies if committed by a person eighteen years of age or older. For the purposes of this section, "incarceration" includes placement as a juvenile to the custody of the state department of human services or a county department of HUMAN OR social services pursuant to such an adjudication.

SECTION 12. In Colorado Revised Statutes, amend 14-10-107.5 as follows:

14-10-107.5. Entry of appearance to establish support. (1) The attorney for the county department of HUMAN OR social services may file an entry of appearance on behalf of the department in any proceeding for dissolution of marriage or legal separation under this ~~article~~ ARTICLE 10 for purposes of establishing, modifying, and enforcing child support and medical support if any party is receiving support enforcement services pursuant to section 26-13-106, ~~C.R.S.~~, and for purposes of establishing and enforcing reimbursement of payments for temporary assistance to needy families.

(2) The county department of HUMAN OR social services, upon the filing of the entry of appearance described in subsection (1) of this section or upon the filing of a legal pleading to establish, modify, or enforce the support obligation, ~~shall be~~ IS from that date forward, without leave or order of court, a third-party intervenor in the action for the purposes outlined in subsection (1) of this section without the necessity of filing a motion to intervene.

SECTION 13. In Colorado Revised Statutes, amend 14-10-107.7 as follows:

14-10-107.7. Required notice of involvement with state department of human services. When filing a petition for dissolution of marriage or legal separation, a petition in support or proceedings for the allocation of parental responsibilities with respect to the children of the marriage, or any other matter pursuant to this ~~article~~ ARTICLE 10 with the court, if the parties have joint legal responsibility for a child for whom the petition seeks an order of child support, the parties ~~shall be~~ ARE required to indicate on a form prepared by the court whether or not the parties or the dependent children of the parties have received within the last five years or are currently receiving benefits or public assistance from either the state department of human services or county department of HUMAN OR social services. If the parties indicate that they have received such benefits or assistance, the court shall inform the appropriate delegate child support enforcement unit so that the unit can determine whether any support enforcement services are required. There ~~shall be~~ IS no penalty for failure to report as specified in this section.

SECTION 14. In Colorado Revised Statutes, 14-10-115, amend (16)(c) as follows:

14-10-115. Child support guidelines - purpose - definitions - determination of income - schedule of basic child support obligations - adjustments to basic child support - additional guidelines - child support commission. (16) **Child support commission.** (c) The child support commission ~~shall consist~~ CONSISTS of no more than twenty-one members. The governor shall appoint persons to the commission who are representatives of the judiciary and the Colorado bar association. Members of the commission appointed by the governor ~~shall~~ MUST also include the director of the division in the state department of human services that is responsible for child support enforcement, or his or her designee, a director of a county department of HUMAN OR social services, the child support liaison to the judicial department, interested parties, a certified public accountant, and parent representatives. In making his or her appointments to the commission, the governor may appoint persons as parent representatives. In making his or her appointments to the commission, the governor shall attempt to assure geographical diversity. The remaining two members of the commission ~~shall be~~ ARE a member of the house of

representatives appointed by the speaker of the house of representatives and a member of the senate appointed by the president of the senate and ~~shall~~ MUST not be members of the same political party.

SECTION 15. In Colorado Revised Statutes, 14-10-127, **amend** (1)(a)(I) as follows:

14-10-127. Evaluation and reports - disclosure. (1) (a) (I) In all proceedings concerning the allocation of parental responsibilities with respect to a child, the court may, upon motion of either party or upon its own motion, order any county or district DEPARTMENT OF HUMAN OR social services ~~department~~ or a licensed mental health professional qualified pursuant to subsection (4) of this section to perform an evaluation and file a written report concerning the disputed issues relating to the allocation of parental responsibilities for the child, unless ~~such~~ THE motion by either party is made for the purpose of delaying the proceedings. Any court or ANY PERSONNEL OF A COUNTY OR DISTRICT DEPARTMENT OF HUMAN OR social services ~~department personnel~~ appointed by the court to do such evaluation ~~shall~~ MUST be qualified pursuant to subsection (4) of this section. When a mental health professional performs the evaluation, the court shall appoint or approve the selection of the mental health professional. Within seven days after the appointment, the evaluator shall comply with the disclosure provisions of subsection (1.2) of this section. The court shall, at the time of the appointment of the evaluator, order one or more of the parties to deposit a reasonable sum with the court to pay the cost of the evaluation. The court may order the reasonable charge for ~~such~~ THE evaluation and report to be assessed as costs between the parties at the time the evaluation is completed.

SECTION 16. In Colorado Revised Statutes, 14-14-102, **amend** the introductory portion and (2) as follows:

14-14-102. Definitions. As used in this ~~article~~ ARTICLE 14, unless the context otherwise requires:

(2) "Delegate child support enforcement unit" means the unit of a county department of HUMAN OR social services or its contractual agent ~~which~~ THAT is responsible for carrying out the provisions of this ~~article~~ ARTICLE 14. The term "contractual agent" ~~shall include~~ INCLUDES a private child support collection agency, operating as an independent contractor with

a county department of HUMAN OR social services, or a district attorney's office, that contracts to provide any services that the delegate child support enforcement unit is required by law to provide.

SECTION 17. In Colorado Revised Statutes, 14-14-104, amend (1), (2), (3), (4), and (6) as follows:

14-14-104. Recovery for child support debt. (1) Any payment of public assistance by a county department of HUMAN OR social services made to or for the benefit of any dependent child or children creates a debt, which is due and owing to the county department of HUMAN OR social services, recoverable by the county as a debt due to the state by the parent or parents who are responsible for support of the dependent child or children, or by the parent whose rights were terminated pursuant to section 19-5-105.5 C.R.S., and who was ordered to pay child support for the benefit of a dependent child, in an amount to be determined as follows:

(a) Where there has been a court order directed to a parent, the child support debt of that parent ~~shall be~~ IS an amount equal to the amount of public assistance paid to the extent of the full amount of arrearages under the order. However, the county department of HUMAN OR social services, through its delegate child support enforcement unit, may petition for modification of the order on the same grounds as a party to the action.

(b) Where there has been no court or administrative order for child support, the county department of HUMAN OR social services, through its delegate child support enforcement unit, may initiate a court or administrative action to establish the amount of child support debt accrued, and the court or delegate child support enforcement unit, after hearing or upon stipulation or upon a default order, shall enter an order for child support debt. The debt ~~shall~~ MUST be based on the amount of current child support due, or which would have been due if there were an existing order for child support, under the current child support enforcement guidelines in effect on the date of the stipulation, default order, or hearing to establish the child support debt times the number of months the family received public assistance. The total amount of child support debt ~~shall~~ MUST not exceed the total amount paid for public assistance. A child support debt established pursuant to this ~~paragraph (b) shall be~~ SUBSECTION (1)(b) IS in addition to any subsequent child support debt accrued pursuant to ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION.

(2) The county department of HUMAN OR social services, through its delegate child support enforcement unit, ~~shall~~ MUST be subrogated to the right of the dependent child or children or person having legal and physical custody of said child or children or having been allocated decision-making authority with respect to the child or children to pursue any child support action existing under the laws of this state to obtain reimbursement of public assistance expended. If a court enters a judgment for or orders the payment of any amount of child support to be paid by an obligor, the county department of HUMAN OR social services ~~shall~~ MUST be subrogated to the debt created by such judgment or order.

(3) ~~No~~ AN agreement between any one parent or custodial person or person allocated parental responsibilities and the obligor, either relieving the obligor of any duty of support or responsibility therefor or purporting to settle past, present, or future child support obligations either as settlement or as prepayment, ~~shall~~ MUST NOT act to reduce or terminate any rights of the county department of HUMAN OR social services to recover from that obligor for any public assistance provided unless the county department of HUMAN OR social services, through its delegate child support enforcement unit, has consented to the agreement, in writing, and ~~such~~ THE written consent has been incorporated into and made a part of the agreement.

(4) Any parental rights with respect to custody or decision-making responsibility with respect to a child or parenting time that are granted by a court of competent jurisdiction or are subject to court review ~~shall~~ MUST remain unaffected by the establishment or enforcement of a child support debt or obligation by the county department of HUMAN OR social services or other person pursuant to the provisions of this ~~article~~ ARTICLE 14; and the establishment or enforcement of any such child support debt or obligation ~~shall~~ MUST also remain unaffected by such parental rights with respect to custody or decision-making responsibility with respect to a child or parenting time.

(6) Creation of a child support debt ~~under~~ PURSUANT TO this section ~~shall~~ MUST not modify or extinguish any rights ~~which~~ THAT the county department of HUMAN OR social services has obtained or may obtain under an assignment of child support rights, including the right to recover and retain unreimbursed public assistance.

SECTION 18. In Colorado Revised Statutes, 15-12-622, amend

(1), (2), and (3) as follows:

15-12-622. Public administrator - acting as conservator or trustee. (1) When appointed by a court of appropriate jurisdiction, the public administrator may act as a conservator, temporary conservator, special conservator, trustee, or other fiduciary of any estate that has assets requiring protection. Each county department of HUMAN OR social services may refer any resident of that county, or any nonresident located in that county, to that county's public administrator for appropriate protective proceedings if ~~such~~ THE department determines that ~~such~~ THE person meets the standards required for court protective action.

(2) Any case referred to the public administrator pursuant to this section by a county department of HUMAN OR social services ~~shall~~ MUST be presented to the court of appropriate jurisdiction by a petition ~~which shall state~~ THAT STATES to the court that the public administrator has been requested by the county department of HUMAN OR social services to act as a conservator or other fiduciary for the person in need of protection, that the public administrator is the nominee of that department, and that the public administrator is not acting as an attorney for that department. The public administrator may prepare and file such a petition if requested to do so by the county department of HUMAN OR social services. The fact that a public administrator has been requested by a county department of HUMAN OR social services to act as a conservator or other fiduciary shall not be construed by the court as granting any priority for his OR HER appointment, and the court shall make that determination solely upon the best interests of the person in need of protection. If the public administrator is not appointed as conservator or other fiduciary and the court determines that another individual should act as the conservator or fiduciary, the court may award reasonable fees and costs to the public administrator if the court determines that the efforts of the public administrator were beneficial to the estate or contributed to the protection of the protected person's assets. In cases where the court awards fees and costs to the public administrator, to the extent that such funds are available, such fees ~~shall~~ MUST be paid from the protected person's estate. In cases in which the public administrator is not compensated from the protected person's estate, the court may approve the payment of such fees from state funds designated for the payment of court-appointed counsel or fiduciaries. The court may determine the amount of fees to be paid from such state funds as it deems to be just.

(3) In any case in which the public administrator has been nominated to act as conservator or other fiduciary at the request of the county department of HUMAN OR social services and ~~such~~ THE case develops into a contested court proceeding, the department's own attorney shall assume all aspects of the contested court case, and the public administrator ~~shall~~ MUST not be required to be involved in such hearings unless specifically directed to do so by the court.

SECTION 19. In Colorado Revised Statutes, 15-12-805, amend (1)(f.7) as follows:

15-12-805. Classification of claims. (1) The personal representative shall pay allowed claims against the estate of a decedent in the following order:

(f.7) The claim of a county department of HUMAN OR social services or the state department of human services for the excess public assistance paid for which the recipient was ineligible;

SECTION 20. In Colorado Revised Statutes, 15-18.5-103, amend (8) as follows:

15-18.5-103. Proxy decision-makers for medical treatment authorized - definitions. (8) Except for a court acting on its own motion, ~~no~~ A governmental entity, including the state department of human services and the county departments of HUMAN OR social services, may NOT petition the court as an interested person pursuant to part 3 of article 14 of this title TITLE 15. In addition, nothing in this ~~article shall be construed to authorize~~ ARTICLE 18.5 AUTHORIZES the county director of any county department of HUMAN OR social services, or designee of such director, to petition the court pursuant to section 26-3.1-104 ~~C.R.S.~~, in regard to any patient subject to the provisions of this ~~article~~ ARTICLE 18.5.

SECTION 21. In Colorado Revised Statutes, 16-11.7-103, amend (1)(d)(X) as follows:

16-11.7-103. Sex offender management board - creation - duties - repeal. (1) There is hereby created in the department of public safety a sex offender management board that consists of twenty-five members. The membership of the board must reflect, to the extent possible, representation

of urban and rural areas of the state and a balance of expertise in adult and juvenile issues relating to persons who commit sex offenses. The membership of the board consists of the following persons who are appointed as follows:

(d) The executive director of the department of public safety shall appoint sixteen members as follows:

(X) One member who is a county director of HUMAN OR social services, appointed after consultation with a statewide group representing counties; and

SECTION 22. In Colorado Revised Statutes, 17-1-113.5, amend (4)(b) and (4)(c) as follows:

17-1-113.5. Inmates held in correctional facilities - medical benefits application assistance - county of residence - rules. (4) (b) The department of health care policy and financing shall promulgate rules to simplify the processing of applications for medical assistance pursuant to ~~paragraph (a) of subsection (1)~~ SUBSECTION (1)(a) of this section and to allow inmates determined to be eligible for such medical assistance to access the medical assistance upon release and thereafter. If a county department of HUMAN OR social services determines that an inmate is eligible for medical assistance, the county shall enroll the inmate in medicaid effective upon release of the inmate. At the time of the inmate's release, the correctional facility shall give the inmate information and paperwork necessary for the inmate to access medical assistance. ~~Such information shall be provided by~~ The applicable county department of HUMAN OR social services SHALL PROVIDE SUCH INFORMATION.

(c) The department of corrections shall attempt to enter into prerelease agreements with local social security administration offices, and, if appropriate, the county departments of HUMAN OR social services, the STATE department of human services, or the department of health care policy and financing to simplify the processing of applications for medicaid or for supplemental security income to enroll inmates who are eligible for medical assistance pursuant to section 25.5-5-101 (1)(f) or 25.5-5-201 (1)(j), ~~C.R.S.~~, effective upon release and to provide such inmates with the information and paperwork necessary to access medical assistance immediately upon release.

SECTION 23. In Colorado Revised Statutes, amend 17-26-118.5 as follows:

17-26-118.5. Prevention of erroneous payments to prisoners - identifying information reporting system. (1) In order to eliminate erroneous payments of benefits to persons confined in local jails in the state, county sheriffs, the STATE department of human services, county departments of HUMAN OR social services, and the department of labor and employment shall cooperatively develop a system for reporting identifying information about persons confined in local jails for a period exceeding thirty days to state and county agencies responsible for the administration of workers' compensation and public assistance benefits. Such a system ~~shall~~ MUST be implemented on or before July 1, 2000, within existing appropriations.

(2) On and after the implementation date of the information reporting system developed pursuant to subsection (1) of this section, but in any event no later than July 1, 2000, each sheriff in the state shall periodically transmit identifying information about each person confined for a period exceeding thirty days in any local jail within the sheriff's jurisdiction to the STATE department of human services, county departments of HUMAN OR social services, and the department of labor and employment.

SECTION 24. In Colorado Revised Statutes, 18-1.3-106, amend (8) and (9) as follows:

18-1.3-106. County jail sentencing alternatives - work, educational, and medical release - home detention - day reporting - definitions. (8) The board of county commissioners may, by resolution, direct that functions of the sheriff ~~under~~ PURSUANT TO either subsection (3) or (5) of this section, or both, be performed by the county department of HUMAN OR social services; or, if the board of county commissioners has not so directed, a court of record may order that the prisoner's earnings be collected and disbursed by the clerk of the court. Such order ~~shall~~ MUST remain in force until rescinded by the board or the court, whichever made it.

(9) The county department of HUMAN OR social services shall, at the request of the court, investigate and report to the court the amount necessary for the support of the prisoner's dependents.

SECTION 25. In Colorado Revised Statutes, 18-1.9-104, **amend** (1)(c)(V) as follows:

18-1.9-104. Task force concerning treatment of persons with mental health disorders in the criminal and juvenile justice systems - creation - membership - duties. (1) **Creation.** (c) The chair and vice-chair of the committee shall appoint twenty-eight members as follows:

(V) One member who represents the interests of county departments of HUMAN OR social services;

SECTION 26. In Colorado Revised Statutes, 18-24-103, **amend** (2)(a.5) introductory portion and (2)(a.5)(II) as follows:

18-24-103. Collection and distribution of funds - child abuse investigation surcharge fund - creation. (2) (a.5) Each program that receives moneys MONEY from the fund ~~shall~~ **MUST**:

(II) Have a signed interagency agreement and protocol with the law enforcement agencies, the district attorney's office, and the county department of HUMAN OR social services in the jurisdiction where the program is operating;

SECTION 27. In Colorado Revised Statutes, 18-3-505, **amend** (1)(b) introductory portion, (1)(b)(XVIII), and (1)(b)(XIX) as follows:

18-3-505. Human trafficking council - created - duties - repeal. (1) (b) The membership of the council ~~shall~~ **MUST** reflect, to the extent possible, representation of urban and rural areas of the state and a balance of expertise, both governmental and nongovernmental, in issues relating to human trafficking. The council ~~shall~~ **MUST** include members with expertise in child welfare and human services to address the unique needs of child victims, including those child victims who are involved in the child welfare system. The membership of the council ~~shall consist~~ **CONSISTS** of the following persons, ~~who shall be~~ appointed as follows:

(XVIII) Two persons, each of whom is a director of a county department of HUMAN OR social services, one from an urban county and the other from a rural county, each ~~to be~~ appointed by the governor or his or her designee;

(XIX) One person who provides child welfare services for a county department of HUMAN OR social services, ~~to be~~ appointed by the governor or his or her designee;

SECTION 28. In Colorado Revised Statutes, 19-1-103, amend (51.3), (65), (69), (87.5), and (99) as follows:

19-1-103. Definitions. As used in this title 19 or in the specified portion of this title 19, unless the context otherwise requires:

(51.3) "Foster care" means the placement of a child into the legal custody or legal authority of a county department of HUMAN OR social services for physical placement of the child in a kinship care placement or certified or licensed facility or the physical placement of a juvenile committed to the custody of the state department of human services into a community placement.

(65) "Independent living" means a form of placement out of the home arranged and supervised by the county department of HUMAN OR social services ~~wherein~~ WHERE the child is established in a living situation designed to promote and lead to the child's emancipation. Independent living ~~shall~~ MUST only follow some other form of placement out of the home.

(69) "Juvenile community review board", as used in article 2 of this title 19, means any board appointed by a board of county commissioners for the purpose of reviewing community placements under article 2 of this title 19. The board, if practicable, ~~shall include~~ INCLUDES but IS not be limited to a representative from a county department of HUMAN OR social services, a local school district, a local law enforcement agency, a local probation department, a local bar association, the division of youth services, and private citizens.

(87.5) "Public adoption", as used in part 2 of article 5 of this ~~title~~ TITLE 19, means an adoption involving a child who is in the legal custody and guardianship of the county department of HUMAN OR social services that has the right to consent to adoption for that child.

(99) "Special county attorney", as used in article 3 of this ~~title~~ TITLE 19, means an attorney hired by a county attorney or city attorney of a city

and county or hired by a county department of HUMAN OR social services with the concurrence of the county attorney or city attorney of a city and county to prosecute dependency and neglect cases.

SECTION 29. In Colorado Revised Statutes, 19-1-115, amend (4)(d)(I) as follows:

19-1-115. Legal custody - guardianship - placement out of the home - petition for review for need of placement. (4) (d) (I) A decree vesting legal custody of a child or providing for placement of a child with an agency in which public ~~moneys~~ are MONEY IS expended ~~shall~~ MUST be accompanied by an order of the court that obligates the parent of the child to pay a fee, based on the parent's ability to pay, to cover the costs of the guardian ad litem and of providing for residential care of the child. When custody of the child is given to the county department of HUMAN OR social services, ~~such~~ THE fee for residential care ~~shall~~ MUST be in accordance with the fee requirements as provided by rule of the STATE department of human services, and ~~such fee shall apply~~ THE FEE APPLIES, to the extent unpaid, to the entire period of placement. When a child is committed to the STATE department of human services, ~~such~~ THE fee for care and treatment ~~shall~~ MUST be in accordance with the fee requirements as provided by rule of the STATE department of human services, and ~~such fee shall apply~~ THE FEE APPLIES, to the extent unpaid, to the entire period of placement.

SECTION 30. In Colorado Revised Statutes, 19-1-115.5, amend (1)(b) as follows:

19-1-115.5. Placement of children out of home - legislative declaration. (1) (b) The general assembly therefore determines that it would serve the best interests of all children enrolled in a school district if the number of children placed in out-of-home placement facilities by county departments of HUMAN OR social services in each of the various school districts is monitored so that the financial impact on all school districts throughout the state is manageable and equitable and so that the best interests of all children, whether or not in out-of-home placement, can be served.

SECTION 31. In Colorado Revised Statutes, 19-1-116, amend (1), (2)(a), (6), (7)(c)(I), (7)(d), and (7)(e) as follows:

19-1-116. Funding - alternatives to placement out of the home - services to prevent continued involvement in child welfare system.

(1) The state department of human services shall reimburse allowable expenses to county departments of HUMAN OR social services for foster care. The state department's budget request for foster care ~~shall~~ MUST be based upon the actual aggregate expenditure of federal, state, and local funds of all counties during the preceding twenty-four months on foster care. Special purpose funds, not to exceed five percent of the total appropriation for foster care, ~~shall~~ MUST be retained by the STATE department of human services for purposes of meeting emergencies and contingencies in individual counties. The amount thus reimbursed to each county ~~shall~~ MUST represent the total expenditure by an individual county for foster care and for alternative services provided in conformance with the plan prepared and approved pursuant to ~~paragraph (b) of subsection (2) and subsection (4)~~ SUBSECTIONS (2)(b) AND (4) of this section.

(2) (a) The county commissioners in each county may appoint a placement alternatives commission consisting, where possible, of a physician or a licensed health professional, an attorney, representatives of a local law enforcement agency, representatives recommended by the court and probation department, representatives from the county department of HUMAN OR social services, a local mental health clinic, and the county, district, or municipal public health agency, a representative of a local school district specializing in special education, a representative of a local community centered board, representatives of a local residential child care facility and a private ~~not-for-profit~~ NONPROFIT agency providing nonresidential services for children and families, a representative specializing in occupational training or employment programs, a foster parent, and one or more representatives of the lay community. At least fifty percent of the commission members ~~shall~~ MUST represent the private sector. The county commissioners of two or more counties may jointly establish a district placement alternatives commission. A placement alternatives commission may be consolidated with other local advisory boards pursuant to section 24-1.7-103. ~~C.R.S.~~

(6) It is the intent of the general assembly that ~~no state moneys~~ STATEMONEY appropriated for placements out of the home ~~shall~~ MUST NOT be used by county boards of HUMAN OR social services for the development of new county-run programs or for the expansion of existing staff or programs, if such development or expansion duplicates services already

provided in the community, including, but not limited to, day care programs, independent living programs, home-based care, transitional care, alternative school programs, counseling programs, street academies, tutorial programs, and in-home treatment and counseling programs.

(7) (c) (I) The fund for each county ~~shall~~ MUST consist of contributions, ~~which shall be~~ made by any state, county, or local agency, of federal, state, or local funds appropriated to or contributed by such agencies for child welfare services for at-risk children and their families. Appropriated funds ~~shall~~ include, but ~~shall not be~~ ARE NOT limited to, those appropriated to county departments of HUMAN OR social services, the state department of human services, the department of public health and environment, the department of education, the department of public safety, the judicial department, and the job training partnership office in the governor's office. Each state agency's contribution to a county's fund ~~shall~~ MUST be contingent upon and equal to contributions from the participating county and any other local agency that participates and seeks money from the fund. Nothing in this subsection (7) ~~shall be construed to allow~~ ALLOWS the allocation of general fund ~~moneys~~ MONEY to any other participating county in the same manner that such ~~moneys are~~ MONEY IS allocated to Mesa county in accordance with section 2 of ~~HB~~ HOUSE BILL 93-1171, as enacted during the first regular session of the fifty-ninth general assembly.

(d) The county board of HUMAN OR social services for a county shall convene a meeting of the local and state agencies that provide child welfare services to at-risk children and their families, that will participate in the program, and that seek ~~moneys~~ MONEY from the county's fund. The meeting ~~shall be~~ IS for the purpose of developing and adopting a memorandum of understanding between such agencies and the county's board of HUMAN OR social services concerning the amount of contributions to the fund described in ~~paragraph (c) of this subsection (7)~~ SUBSECTION (7)(c) OF THIS SECTION and the allocation and use of ~~moneys~~ MONEY allocated from the fund. The memorandum of understanding ~~shall~~ MUST provide for the designation of a governing entity to oversee the administration of the fund and a fiscal agent, a three-year plan, provisions for evaluating the programmatic and fiscal impact and overall effectiveness of the program, and a process for submitting the results of ~~such~~ THE evaluation to the general assembly and state officials on an annual basis.

(e) ~~The three-year plan described in paragraph (d) of this subsection~~

~~(7) shall be reviewed for approval by~~ The state agencies affected by the implementation of ~~such plan~~ THE THREE-YEAR PLAN DESCRIBED IN SUBSECTION (7)(d) OF THIS SECTION SHALL REVIEW AND APPROVE THE PLAN. The state agencies shall act on ~~such~~ THE plan within ninety days after ~~such~~ THE plan is submitted to the state agencies. It is the intent of the general assembly that the plan ~~described in said paragraph (d)~~ be implemented and that the state agencies cooperate in the PLAN'S development and implementation. ~~of such plan.~~ Prior to the implementation of the program, a copy of the approved plan ~~shall~~ MUST be submitted to the joint budget committee of the general assembly. Prior to the expiration of the three-year plan, the county board of HUMAN OR social services shall follow the procedures described in ~~paragraph (d) of this subsection (7)~~ SUBSECTION (7)(d) OF THIS SECTION for readoption of or revisions to the three-year plan.

SECTION 32. In Colorado Revised Statutes, 19-1-123, amend (1)(a) as follows:

19-1-123. Expedited procedures for permanent placement - children under the age of six years - designated counties. (1) (a) The expedited procedures for the permanent placement of children under the age of six years required by article 3 of this ~~title shall~~ TITLE 19 MUST be implemented on a county-by-county basis beginning July 1, 1994. The STATE department of human services, in consultation with the judicial department and the governing boards of each county department of HUMAN OR social services, shall have the responsibility for establishing an implementation schedule ~~which~~ THAT provides for statewide implementation of such expedited procedures by June 30, 2004. A designated county ~~shall be~~ IS required to implement the expedited procedures on and after the implementation date applicable to the county as specified in the implementation schedule for each new case filed in the county involving a child who is under six years of age at the time a petition is filed in accordance with section 19-3-501 (2).

SECTION 33. In Colorado Revised Statutes, 19-1-126, amend (3) as follows:

19-1-126. Compliance with the federal "Indian Child Welfare Act". (3) The state department of human services and the county departments of HUMAN OR social services are encouraged to work cooperatively in the sharing of information that any of such agencies

obtains or receives concerning any federally recognized tribal entities existing outside the state of Colorado, including but not limited to information about the appropriate person from ~~any such~~ A tribal entity to contact with the notice prescribed by this section.

SECTION 34. In Colorado Revised Statutes, amend 19-1-127 as follows:

19-1-127. Responsibility for placement and care.

(1) "Responsibility for placement and care", for purposes of compliance with federal requirements pursuant to the federal "Social Security Act", 42 U.S.C. sec. 672 (2), means the specified entity is considered to have the responsibility for placement and care of a child if:

(a) A county department of HUMAN OR social services has entered into a voluntary placement agreement with the parent or guardian of the child;

(b) A court, as a result of a petition for review of need of placement, has determined that a county department of HUMAN OR social services shall have continuing placement and care responsibility of the child who entered care pursuant to a voluntary placement;

(c) A court has awarded legal custody of the child to a county department of HUMAN OR social services, or has committed the child to the custody of the state department of human services; or

(d) An agency, such as a tribal agency, with which the state department of human services has a contract pursuant to the federal "Social Security Act", has placement and care responsibility of the child pursuant to a voluntary placement agreement or a court order awarding custody of the child to the agency.

SECTION 35. In Colorado Revised Statutes, 19-1-209, amend (1)(b) as follows:

19-1-209. Role and responsibilities of guardians ad litem - other parties. (1) (b) The CASA program will help facilitate the cooperation and sharing of information among CASA volunteers, the attorneys, the county department of HUMAN OR social services, and other community agencies.

SECTION 36. In Colorado Revised Statutes, 19-1-307, amend (2)(a), (2)(j), (2)(j.5), (2)(m) introductory portion, and (2)(m)(I) as follows:

19-1-307. Dependency and neglect records and information - access - fee - rules - records and reports fund - misuse of information - penalty - adult protective services data system check. (2) Records and reports - access to certain persons - agencies. Except as otherwise provided in section 19-1-303, only the following persons or agencies shall have access to child abuse or neglect records and reports:

(a) The law enforcement agency, district attorney, coroner, or county or district department of HUMAN OR social services investigating a report of a known or suspected incident of child abuse or neglect or treating a child or family ~~which~~ THAT is the subject of the report;

(j) The state department of human services or a county or district department of HUMAN OR social services or a child placement agency investigating an applicant for a license to operate a child care facility or agency pursuant to section 26-6-107, ~~C.R.S.~~, when the applicant, as a requirement of the license application, has given written authorization to the licensing authority to obtain information contained in records or reports of child abuse or neglect. Access to the records and reports of child abuse or neglect granted to the named department or agencies ~~shall~~ MUST serve only as the basis for further investigation.

(j.5) The state department of human services or a county or district department of HUMAN OR social services investigating an exempt family child care home provider pursuant to section 26-6-120, ~~C.R.S.~~, as a prerequisite to issuance or renewal of a contract or any payment agreement to receive ~~moneys~~ MONEY for the care of a child from publicly funded state child care assistance programs. Access to the records and reports of child abuse or neglect granted to the named department or agencies ~~shall~~ MUST serve only as the basis for further investigation.

(m) The state department of human services and the county departments of HUMAN OR social services, for the following purposes:

(I) Screening any person who seeks employment with, is currently employed by, or who volunteers for service with the state department of human services, department of health care policy and financing, or a county

department of HUMAN OR social services, if ~~such~~ THE person's responsibilities include direct contact with children;

SECTION 37. In Colorado Revised Statutes, amend 19-1-308 as follows:

19-1-308. Parentage information. Notwithstanding any other law concerning public hearings and records, any hearing or trial held ~~under~~ PURSUANT TO article 4 of this title ~~shall~~ TITLE 19 MUST be held in closed court without admittance of any person other than those necessary to the action or proceeding. In addition to access otherwise provided for pursuant to section 19-1-303, all papers and records pertaining to the action or proceeding ~~which~~ THAT are part of the permanent record of the court are subject to inspection by the parties to the action and their attorneys of record, and such parties and their attorneys ~~shall be~~ ARE subject to a court order ~~which shall~~ THAT MUST be in effect against all parties to the action prohibiting ~~such~~ THE parties from disclosing the genetic testing information contained in the court's record. Such court papers and records ~~shall not be~~ ARE NOT subject to inspection by any person not a party to the action except the state child support enforcement agency or delegate child support enforcement units for the purposes set forth in section 19-1-303 (4.4) or upon consent of the court and all parties to the action, or, in exceptional cases only, upon an order of the court for good cause shown. All papers and records in the custody of the county department of HUMAN OR social services ~~shall~~ MUST be available for inspection by the parties to the action only upon the consent of all parties to the action and as provided by section 26-1-114, C.R.S., or by the rules governing discovery, but ~~such~~ THE papers and records ~~shall~~ MUST not be subject to inspection by any person not a party to the action except upon consent of all parties to the action; except that the results of genetic testing may be provided to all parties, when available, notwithstanding laws governing confidentiality and without the necessity of formal discovery. Any person receiving or inspecting paternity information in the custody of the county department of HUMAN OR social services ~~shall be~~ IS subject to a court order ~~which shall~~ THAT MUST be in effect prohibiting such persons from disclosing the genetic testing information contained in the department's record.

SECTION 38. In Colorado Revised Statutes, 19-2-105, amend (1)(b) as follows:

19-2-105. Venue. (1) (b) For purposes of determining proper venue, a juvenile who is placed in the legal custody of a county department of HUMAN OR social services ~~shall be~~ IS deemed for the entire period of placement to reside in the county in which the juvenile's legal custodian is located, even if the juvenile is physically residing in a residential facility located in another county. If a juvenile is placed in the legal custody of a county department of HUMAN OR social services, the court shall not transfer venue during the period of placement to any county other than the county in which the juvenile's legal custodian is located.

SECTION 39. In Colorado Revised Statutes, 19-2-113, amend (1)(a) as follows:

19-2-113. Parental accountability. (1) (a) The parent, guardian, or legal custodian of any juvenile subject to proceedings under this ~~article~~ ARTICLE 2 is required to attend all proceedings that may be brought under this ~~article~~ ARTICLE 2 concerning the juvenile. The court may impose contempt sanctions against said parent, guardian, or legal custodian for failure, without good cause, to attend any proceeding concerning the juvenile; except that, if the juvenile's legal custodian is a county department of HUMAN OR social services or the STATE department of human services, the legal custodian need not attend any proceeding at which the juvenile's guardian ad litem is present.

SECTION 40. In Colorado Revised Statutes, 19-2-204, amend (4)(a) as follows:

19-2-204. Juvenile probation departments or divisions - service agreements. (4) (a) The juvenile court judges are authorized to enter into agreements with the STATE department of human services, county departments of HUMAN OR social services, other public agencies, private agencies, or with other juvenile courts to provide supervision or other services for juveniles placed on probation by the court.

SECTION 41. In Colorado Revised Statutes, amend 19-2-211 as follows:

19-2-211. Local juvenile services planning committee - creation - duties. If all of the boards of commissioners of each county or the city council of each city and county in a judicial district agree, there may be

created in the judicial district a local juvenile services planning committee that is appointed by the chief judge of the judicial district or, for the second judicial district, the presiding judge of the Denver juvenile court from persons recommended by the boards of commissioners of each county or the city council of each city and county within the judicial district. The committee, if practicable, must include, but need not be limited to, a representative from the county department of HUMAN OR social services, a local school district, a local law enforcement agency, a local probation department, the division of youth services, private citizens, the district attorney's office, and the public defender's office and a community mental health representative and a representative of the concerns of municipalities. The committee, if created, shall meet as necessary to develop a plan for the allocation of resources for local juvenile services within the judicial district for the fiscal year. The committee is strongly encouraged to consider programs with restorative justice components when developing the plan. The plan must be approved by the STATE department of human services. A local juvenile services planning committee may be consolidated with other local advisory boards pursuant to section 24-1.7-103.

SECTION 42. In Colorado Revised Statutes, 19-2-411.5, **amend** (1) as follows:

19-2-411.5. Juvenile facility - contract for operation. (1) The STATE department of human services is ~~hereby~~ authorized to contract with a private contractor for the operation of a five-hundred-bed facility to house juveniles who are in the custody of the STATE department of human services and to house juveniles who are in the temporary custody of a county department of HUMAN OR social services. The facility shall follow an academic model, providing educational, vocational, and positive developmental programming. The contractor shall work with the STATE department of human services to develop and maintain high-quality programming that is appropriate for and meets the needs of the juveniles placed in the facility. The facility ~~shall~~ **MUST** be constructed in a campus-style design and located on the parcel of real property formerly known as the Lowry bombing range. The state ~~shall retain~~ **RETAINS** ownership of the facility constructed and operated pursuant to this section. Nothing in this section requires that the parcel of real property formerly known as the Lowry bombing range be used exclusively for the facility constructed pursuant to this section.

SECTION 43. In Colorado Revised Statutes, 19-2-418, amend (3)(b) and (3)(c) introductory portion as follows:

19-2-418. Juveniles - medical benefits application assistance - county of residence - rules. (3) (b) The executive director of the department of health care policy and financing shall promulgate rules to simplify the processing of applications for medical assistance pursuant to subsection (1) of this section and to allow a juvenile determined to be eligible for such medical assistance to access the medical assistance upon release and thereafter. If a county department of HUMAN OR social services determines that a juvenile is eligible for medical assistance, the county shall enroll the juvenile in medical assistance or the children's basic health plan effective upon release of the juvenile. At the time of the juvenile's release, the commitment facility shall give the juvenile or the juvenile's parent or legal guardian information and paperwork necessary for the juvenile to access medical assistance. ~~The information~~ THE APPLICABLE COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES shall ~~be provided to~~ PROVIDE the commitment facility ~~by the applicable county department of social services~~ WITH THE NECESSARY INFORMATION.

(c) Each juvenile commitment facility administrator shall attempt to enter into prerelease agreements, if appropriate, with the county department of HUMAN OR social services, the STATE department of human services, or the department of health care policy and financing in order to:

SECTION 44. In Colorado Revised Statutes, 19-2-508, amend (1) as follows:

19-2-508. Detention and shelter - hearing - time limits - findings - review - confinement with adult offenders - restrictions. (1) A juvenile who must be taken from his or her home but who does not require physical restriction ~~shall~~ MUST be given temporary care in a shelter facility designated by the court or the county department of HUMAN OR social services and ~~shall~~ MUST not be placed in detention.

SECTION 45. In Colorado Revised Statutes, 19-2-511, amend (5) as follows:

19-2-511. Statements. (5) Notwithstanding the provisions of subsection (1) of this section, the juvenile and his or her parent, guardian,

or legal or physical custodian may expressly waive the requirement that the parent, guardian, or legal or physical custodian be present during THE JUVENILE'S interrogation. ~~of the juvenile.~~ This express waiver ~~shall~~ MUST be in writing and ~~shall~~ MUST be obtained only after full advisement of the juvenile and his or her parent, guardian, or legal or physical custodian of the juvenile's rights prior to the taking of the custodial statement by a law enforcement official. If said requirement is expressly waived, statements or admissions of the juvenile ~~shall not be~~ ARE NOT inadmissible in evidence by reason of the absence of the juvenile's parent, guardian, or legal or physical custodian during interrogation. Notwithstanding the provisions of this subsection (5), a county ~~social services~~ department OF HUMAN OR SOCIAL SERVICES and the STATE department of human services, as legal or physical custodian, may not waive said requirement.

SECTION 46. In Colorado Revised Statutes, 19-2-706, amend (2)(a) introductory portion and (2)(b)(I) introductory portion as follows:

19-2-706. Advisement - right to counsel - waiver of right to counsel. (2) (a) If the juvenile and his or her parents, guardian, or other legal custodian are found to be indigent pursuant to section 21-1-103 (3), ~~C.R.S.~~, or the juvenile's parents, guardian, or other legal custodian refuses to retain counsel for the juvenile, or the court, on its own motion, determines that counsel is necessary to protect the interests of the juvenile or other parties, or the juvenile is in the custody of the state department of human services or a county department of HUMAN OR social services, the court shall appoint the office of state public defender or, in the case of a conflict, the office of alternate defense counsel for the juvenile; except that the court shall not appoint the office of the state public defender or the office of alternate defense counsel if:

(b) (I) If the court appoints counsel for the juvenile because of the refusal of the parents, guardian, or other legal custodian to retain counsel for the juvenile, the parents, guardian, or legal custodian, other than a county department of HUMAN OR social services or the STATE department of human services, shall be advised by the court that if the juvenile's parent, guardian, or legal custodian is determined not to be indigent pursuant to section 21-1-103 (3), ~~C.R.S.~~, then the court will order the juvenile's parent, guardian, or legal custodian, other than a county department of human OR SOCIAL services or the state department of human services, to reimburse the court for the cost of the representation unless the court, for good cause,

waives the reimbursement requirement. The amount of the reimbursement will be a predetermined amount that:

SECTION 47. In Colorado Revised Statutes, 19-2-906.5, amend (1) introductory portion and (3)(a) introductory portion as follows:

19-2-906.5. Orders - community placement - reasonable efforts required - reviews. (1) If the court orders legal custody of a juvenile to a county department of HUMAN OR social services pursuant to the provisions of this article, ~~said order shall~~ ARTICLE 2, THE ORDER MUST contain specific findings as follows:

(3) (a) If the juvenile is in the legal custody of a county department of HUMAN OR social services and is placed in a community placement for a period of twelve months or longer, the district court, another court of competent jurisdiction, or an administrative body appointed or approved by the court that is not under the supervision of the department shall conduct a permanency hearing within said twelve months and every twelve months thereafter for as long as the juvenile remains in community placement. At the permanency hearing, the entity conducting the hearing shall make the following determinations:

SECTION 48. In Colorado Revised Statutes, 19-2-907, amend (1)(g) and (5) as follows:

19-2-907. Sentencing schedule - options. (1) Upon completion of the sentencing hearing pursuant to section 19-2-906, the court shall enter a decree of sentence or commitment imposing any of the following sentences or combination of sentences, as appropriate:

(g) Placement of legal custody of the juvenile in the county department of HUMAN OR social services or a child placement agency, as provided in section 19-2-915;

(5) (a) Except as otherwise provided in section 19-2-601 for an aggravated juvenile offender, if the court finds that placement out of the home is necessary and is in the best interests of the juvenile and the community, the court shall place the juvenile, following the criteria established pursuant to section 19-2-212, in the facility or setting that most appropriately meets the needs of the juvenile, the juvenile's family, and the

community. In making its decision as to proper placement, the court shall utilize the evaluation for placement prepared pursuant to section 19-1-107 or the evaluation for placement required by section 19-1-115 (8)(e). Any placement recommendation in the evaluation prepared by the county department of HUMAN OR social services ~~shall~~ MUST be accorded great weight as the placement that most appropriately meets the needs of the juvenile, the juvenile's family, and the community. ~~Such~~ A recommendation prepared by the county department of HUMAN OR social services ~~shall~~ MUST set forth specific facts and reasons for the placement recommendation. If the evaluation for placement recommends placement in a facility located in Colorado that can provide appropriate treatment and that will accept the juvenile, then the court shall not place the juvenile in a facility outside this state. If the court places the juvenile in a facility located in Colorado other than one recommended by the evaluation for placement, in a facility located outside this state in accordance with the evaluation for placement, or in a facility in which the average monthly cost exceeds the amount established by the general assembly in the general appropriation bill, it shall make specific findings of fact, including the monthly cost of the facility in which such juvenile is placed, relating to its placement decision. A copy of such findings ~~shall~~ MUST be sent to the chief justice of the supreme court, who shall, notwithstanding section 24-1-136 (11)(a)(I), report monthly to the joint budget committee and annually to the house and senate committees on health and human services, or any successor committees, on such placements. If the court commits the juvenile to the STATE department of human services, it shall not make a specific placement, nor ~~shall~~ ARE the provisions of this subsection (5) relating to specific findings of fact be applicable.

(b) If the court sentences a juvenile to an out-of-home placement funded by the STATE department of human services or any county, or commits a juvenile to the STATE department of human services, and the receiving agency determines that such placement or commitment does not follow the criteria established pursuant to section 19-2-212, including the placement recommended by the receiving agency, the receiving agency may, after assessing such juvenile's needs, file a petition with the court for reconsideration of the placement or commitment. Any such petition ~~shall~~ MUST be filed not later than thirty days after the placement or commitment. The court shall hear such petition and enter an order thereon not later than thirty days after the filing of the petition, and after notice to all agencies or departments that might be affected by the resolution of the petition, and

after all such agencies or departments have had an opportunity to participate in the hearing on the petition. Failure of any such agency or department to appear may be a basis for refusal to accept a subsequent petition by any such agency or department that had an opportunity to appear and be present at the original petition hearing. The notification to the parties required pursuant to this ~~paragraph (b) shall~~ SUBSECTION (5)(b) MUST be made by the petitioning party, and proof of such service ~~shall~~ MUST be filed with the court. If the court sentences a juvenile to an out-of-home placement funded by the county department of HUMAN OR social services, temporary legal custody of such juvenile ~~shall~~ MUST be placed with the county department of HUMAN OR social services, and the placement recommended by such county department ~~shall~~ MUST be accorded great weight as the placement that most appropriately meets the needs of the juvenile, the juvenile's family, and the community. Any deviation from such recommendation ~~shall~~ MUST be supported by specific findings on the record of the case detailing the specific extraordinary circumstances that constitute the reasons for deviations from the placement recommendation of the county department of HUMAN OR social services.

SECTION 49. In Colorado Revised Statutes, amend 19-2-915 as follows:

19-2-915. Sentencing - legal custody - social services. Except as otherwise provided in section 19-2-601 for an aggravated juvenile offender, the court, following the criteria for out-of-home placement established pursuant to section 19-2-212, may place legal custody of the juvenile in the county department of HUMAN OR social services.

SECTION 50. In Colorado Revised Statutes, 19-2-921, amend (1.5)(b) and (10) as follows:

19-2-921. Commitment to state department of human services. (1.5) (b) If a juvenile is making a transition from the legal custody of a county department of HUMAN OR social services to commitment with the state department of human services, the court shall conduct a permanency hearing in combination with the sentencing hearing. The court shall consider multidisciplinary recommendations for sentencing and permanency planning. In conducting such a permanency hearing, the court shall make determinations pursuant to section 19-2-906.5 (3)(a).

(10) When custody of a juvenile who will be under the age of eighteen years at the time of expiration of commitment cannot be determined or none of the resources described in subsection (9) of this section exist, the division of youth services shall make a referral to the last-known county of residence of the responsible person having custody of the juvenile immediately prior to the commitment. The referral to the county must be made by the division of youth services at least ninety days prior to the expiration of the juvenile's commitment. The county department of ~~human services or county department of~~ HUMAN OR social services shall conduct an assessment of the child protection needs of the juvenile and, pursuant to rules adopted by the state board, provide services in the best interest of the juvenile. The division of youth services shall work in collaboration with the county department OF HUMAN OR SOCIAL SERVICES conducting the assessment and shall provide parole supervision services as described in section 19-2-1003.

SECTION 51. In Colorado Revised Statutes, 19-2-925, **amend** (1)(a) as follows:

19-2-925. Probation - terms - release - revocation. (1) (a) The terms and conditions of probation ~~shall~~ **MUST** be specified by rules or orders of the court. The court, as a condition of probation for a juvenile who is ten years of age or older but less than eighteen years of age on the date of the sentencing hearing, may impose a commitment or detention. The aggregate length of any such commitment or detention, whether continuous or at designated intervals, ~~shall~~ **MUST** not exceed forty-five days; except that such limit ~~shall~~ **MUST** not apply to any placement out of the home through a county department of HUMAN OR social services. Each juvenile placed on probation ~~shall~~ **MUST** be given a written statement of the terms and conditions of his or her probation and ~~shall~~ have ~~such~~ **THE** terms and conditions fully explained to him or her.

SECTION 52. In Colorado Revised Statutes, 19-3-304.5, **amend** (5) and (7) as follows:

19-3-304.5. Emergency possession of certain abandoned children. (5) Each county department of HUMAN OR social services shall maintain and update on a monthly basis a report of the number of children who have been abandoned pursuant to this section. Each county department of HUMAN OR social services shall submit such information to the state

department of human services.

(7) The general assembly hereby finds, determines, and declares that a county department of HUMAN OR social services shall place an abandoned child with a potential adoptive parent as soon as possible. The general assembly further declares that, as soon as lawfully possible, a county department of HUMAN OR social services shall proceed with a motion to terminate the parental rights of a parent who abandons a child.

SECTION 53. In Colorado Revised Statutes, 19-3-308, amend (4)(c), (5.3)(a), (5.3)(b), and (5.5) as follows:

19-3-308. Action upon report of intrafamilial, institutional, or third-party abuse - investigations - child protection team - rules - report. (4) (c) Upon the receipt of a report, if the county department assessment concludes that a child has been a victim of intrafamilial, institutional, or third-party abuse or neglect in which he or she has been subjected to human trafficking of a minor for sexual servitude, as described in section 18-3-504, ~~C.R.S.~~, or commercial sexual exploitation of a child, it shall, when necessary and appropriate, immediately offer social services to the child who is the subject of the report and to his or her family, and it may file a petition in the juvenile court or the district court with juvenile jurisdiction on behalf of such child. If, at any time after the commencement of an investigation, the county department has reasonable cause to suspect that the child or any other child under the same care is a victim of human trafficking, the county department shall notify the local law enforcement agency as soon as it is reasonably practicable to do so. If immediate removal is necessary to protect the child or other children under the same care from further abuse, the child or children may be placed in protective custody in accordance with sections 19-3-401 (1)(a) and 19-3-405. In instances of third-party abuse or neglect as it relates to human trafficking, a county department of HUMAN OR social services may, but is not required to, interview the person alleged to be responsible for the abuse or neglect or prepare an investigative report pursuant to ~~paragraph (a) of subsection (5.3)~~ SUBSECTION (5.3)(a) of this section. If a county department elects to interview the third-party individual, it shall first confer with its local law enforcement agency.

(5.3) (a) Local law enforcement agencies ~~shall~~ have the responsibility for the coordination and investigation of all reports of

third-party abuse or neglect by persons ten years of age or older. Upon receipt of a report, if the local law enforcement agency reasonably believes that the protection and safety of a child is at risk due to an act or omission on the part of persons responsible for the child's care, such agency shall notify the county department of HUMAN OR social services for an assessment regarding neglect or dependency. In addition, the local law enforcement agency shall refer to the county department of HUMAN OR social services any report of third-party abuse or neglect in which the person allegedly responsible for such abuse or neglect is under age ten. Upon the completion of an investigation, the local law enforcement agency shall forward a copy of its investigative report to the county department of HUMAN OR social services. The county department shall review the law enforcement investigative report and shall determine whether the report contains information that constitutes a case of confirmed child abuse and requires it to be submitted to the state department, which report, upon such determination, shall be submitted to the state department in the manner prescribed by the state department within sixty days after the receipt of the report by the county department.

(b) If, before an investigation is completed, the local law enforcement agency determines that social services are necessary for the child and, if applicable, the child's family or that assistance from the county department of HUMAN OR social services is otherwise required, the agency may request said services or assistance from the county department. The county department shall immediately respond to a law enforcement agency's request for services or assistance in a manner deemed appropriate by the county department.

(5.5) Upon the receipt of a report, if the county department reasonably believes that an incident of abuse or neglect has occurred, it shall immediately notify the local law enforcement agency responsible for investigation of violations of criminal child abuse laws. The local law enforcement agency may conduct an investigation to determine if a violation of any criminal child abuse law has occurred. It is the general assembly's intent that, in each county of the state, law enforcement agencies and the respective county departments of HUMAN OR social services ~~shall~~ develop and implement cooperative agreements to coordinate duties of both agencies in connection with the investigation of all child abuse or neglect cases and that the focus of such agreements ~~shall be~~ IS to ensure the best protection for the child. The ~~said~~ agreements ~~shall~~ MUST provide for special

requests by one agency for assistance from the other agency and for joint investigations by both agencies.

SECTION 54. In Colorado Revised Statutes, 19-3-313.5, amend (3) introductory portion, (3)(a), (3)(c), and (3)(f) as follows:

19-3-313.5. State department duties - reports of child abuse or neglect - training of county departments - rules - notice and appeal process - confidentiality. (3) Notice and appeals process - rules. On or before January 1, 2004, the state board, in consideration of input and recommendations from the county departments, shall promulgate rules to establish a process at the state level by which a person who is found to be responsible in a confirmed report of child abuse or neglect filed with the state department pursuant to section 19-3-307 may appeal the finding of a confirmed report of child abuse or neglect to the state department. At a minimum, the rules established pursuant to this subsection (3) ~~shall~~ **MUST** address the following matters, consistent with federal law:

(a) The provision of adequate and timely written notice by the county departments of HUMAN OR social services or, for an investigation pursuant to section 19-3-308 (4.5), by the agency that contracts with the state, using a form created by the state department, to a person found to be responsible in a confirmed report of child abuse or neglect of the person's right to appeal the finding of a confirmed report of child abuse or neglect to the state department;

(c) Designation of the entity, which entity ~~shall~~ **MUST** be one other than a county department of HUMAN OR social services, with the authority to accept and respond to an appeal by a person found to be responsible in a confirmed report of child abuse or neglect at each stage of the appellate process;

(f) Provisions requiring, and procedures in place that facilitate, the prompt expungement of and prevent the release of any information contained in any records and reports that are accessible to the general public or are used for purposes of employment or background checks in cases determined to be unsubstantiated or false; except that, the state department and the county departments of HUMAN OR social services may maintain information concerning unsubstantiated reports in casework files to assist in future risk and safety assessments.

SECTION 55. In Colorado Revised Statutes, 19-3-401, **amend** (3)(b) as follows:

19-3-401. Taking children into custody. (3) (b) A newborn child, as defined in section 19-1-103 (78.5), who is in a hospital setting ~~shall~~ **MUST** not be taken into temporary protective custody without an order of the court made pursuant to section 19-3-405 (1), which order includes findings that an emergency situation exists and that the newborn child is seriously endangered as described in ~~paragraph (a) of subsection (1)~~ **SUBSECTION (1)(a)** of this section. A newborn child may be detained in a hospital by a law enforcement officer upon the recommendation of a county department of HUMAN OR social services or by a physician, registered nurse, licensed practical nurse, or physician assistant while an order of the court pursuant to section 19-3-405 (1) is being pursued, but the newborn child must be released if a court order pursuant to section 19-3-405 (1) is denied.

SECTION 56. In Colorado Revised Statutes, 19-3-403, **amend** (1), (3.5), and (3.6)(a)(V) as follows:

19-3-403. Temporary custody - hearing - time limits - restriction - rules. (1) A child who must be taken from his OR HER home but who does not require physical restriction may be given temporary care with ~~the~~ **HIS OR HER** grandparent, ~~of the child~~, upon the grandparent's request, if in the best interests of the child, in a shelter facility designated by the court or with the county department of HUMAN OR social services and ~~shall~~ **MUST** not be placed in detention. If ~~no~~ **AN** appropriate shelter facility ~~exists~~ **DOES NOT EXIST**, the child may be placed in a staff-secure temporary holding facility authorized by the court.

(3.5) When temporary custody is placed with the county department of HUMAN OR social services pursuant to this section or section 19-3-405 or when an emergency protection order is entered pursuant to section 19-3-405, the court shall hold a hearing within seventy-two hours after placement, excluding Saturdays, Sundays, and court holidays, to determine further custody of the child or whether the emergency protection order should continue. Such a hearing need not be held if a hearing has previously been held pursuant to subsection (2) of this section.

(3.6) (a) (V) The court may consider and give preference to giving temporary custody to a child's relative who is appropriate, capable, willing,

and available for care if it is in the best interests of the child and if the court finds that there is no suitable birth or adoptive parent available, with due diligence having been exercised in attempting to locate any such birth or adoptive parent. The court may place or continue custody with the county department of HUMAN OR social services if the court is satisfied from the information presented at the hearing that such custody is appropriate and in the child's best interests, or the court may enter such other orders as are appropriate. The court may authorize the county department of HUMAN OR social services with custody of a child to place the child with a relative without the necessity for a hearing if a county department locates an appropriate, capable, and willing relative who is available to care for the child and the guardian ad litem of the child concurs that the placement is in the best interests of the child. If the county department of HUMAN OR social services places a child with a relative without a hearing pursuant to the provisions of this ~~subparagraph (V)~~ SUBSECTION (3.6)(a)(V), the county department shall fully inform the court of the details concerning the child's placement on the record at the next hearing. If the court enters an order removing a child from the home or continuing a child in a placement out of the home, the court shall make the findings required pursuant to section 19-1-115 (6), if such findings are warranted by the evidence.

SECTION 57. In Colorado Revised Statutes, amend 19-3-404 as follows:

19-3-404. Temporary shelter - child's home. The court may find that it is not necessary to remove a child from his OR HER home to a temporary shelter facility and may provide temporary shelter in the child's home by authorizing a representative of the county or district department of HUMAN OR social services, which has emergency caretaker services available, to remain in the child's home with the child until a parent, legal guardian, or relative of the child enters the home and expresses willingness and has the apparent ability, as determined by the STATE department, to resume charge of the child. ~~but~~ In no event ~~shall~~ MUST such period of time exceed seventy-two hours. In the case of a relative, the relative is to assume charge of the child until a parent or legal guardian enters the home and expresses willingness and has the apparent ability, as determined by the STATE department, to resume charge of the child. The director of the county or district department of HUMAN OR social services shall designate in writing the representatives of the county or district departments OF HUMAN OR SOCIAL SERVICES authorized to perform such duties.

SECTION 58. In Colorado Revised Statutes, 19-3-405, amend (2)(a), (2)(b) introductory portion, and (3) as follows:

19-3-405. Temporary protective custody. (2) (a) Temporary protective custody orders may be requested by the county department of HUMAN OR social services, a law enforcement officer, an administrator of a hospital in which a child reasonably believed to have been neglected or abused is being treated, or any physician who has before him or her a child he or she reasonably believes has been abused or neglected, whether or not additional medical treatment is required, if such person or department believes that the circumstances or conditions of the child are such that continuing the child's place of residence or in the care and custody of the person responsible for the child's care and custody would present a danger to that child's life or health in the reasonably foreseeable future.

(b) Emergency protection orders may be requested by the county department of HUMAN OR social services, a law enforcement officer, an administrator of a hospital in which a child reasonably believed to have been neglected or abused is being treated, or any physician who has before him or her a child the physician reasonably believes has been abused or neglected, whether or not additional medical treatment is required, if such person or department believes that the child is able to remain safely in the child's place of residence or in the care and custody of the person responsible for the child's care and custody only if certain emergency protection orders are entered. An emergency protection order may include but is not limited to:

(3) The county department of HUMAN OR social services ~~shall~~ MUST be notified of such action immediately by the court-appointed official in order that child protection proceedings may be initiated.

SECTION 59. In Colorado Revised Statutes, 19-3-501, amend (1) introductory portion as follows:

19-3-501. Petition initiation - preliminary investigation - informal adjustment. (1) Whenever it appears to a law enforcement officer or other person that a child is or appears to be within the court's jurisdiction, as provided in this ~~article~~ ARTICLE 3, the law enforcement officer or other person may refer the matter to the court, which shall ~~have~~ MAKE a preliminary investigation ~~made~~ to determine whether the interests

of the child or of the community require that further action be taken. ~~which investigation shall be made by~~ The probation department, county department of HUMAN OR social services, or any other agency designated by the court SHALL MAKE THE INVESTIGATION. On the basis of the preliminary investigation, the court may:

SECTION 60. In Colorado Revised Statutes, 19-3-502, amend (2.7)(a) introductory portion and (2.7)(a)(I) as follows:

19-3-502. Petition form and content - limitations on claims in dependency or neglect actions. (2.7) (a) Pursuant to the provisions of section 19-1-126, the petition shall MUST:

(I) Include a statement indicating what continuing inquiries the county department of HUMAN OR social services has made in determining whether the child who is the subject of the proceeding is an Indian child;

SECTION 61. In Colorado Revised Statutes, 19-3-507, amend (5)(b) as follows:

19-3-507. Dispositional hearing. (5) (b) A county department of HUMAN OR social services that placed a child in foster care shall provide the foster parent of the child and any pre-adoptive parent or relative providing care for the child with notice of any administrative review of the child's case.

SECTION 62. In Colorado Revised Statutes, 19-3-508, amend (1)(c) and (3)(b)(I) as follows:

19-3-508. Neglected or dependent child - disposition - concurrent planning. (1) When a child has been adjudicated to be neglected or dependent, the court may enter a decree of disposition the same day, but in any event it shall do so within forty-five days unless the court finds that the best interests of the child will be served by granting a delay. In a county designated pursuant to section 19-1-123, if the child is under six years of age at the time a petition is filed in accordance with section 19-3-501 (2), the court shall enter a decree of disposition within thirty days after the adjudication and shall not grant a delay unless good cause is shown and unless the court finds that the best interests of the child will be served by granting the delay. It is the intent of the general assembly that the

dispositional hearing be held on the same day as the adjudicatory hearing, whenever possible. If a delay is granted, the court shall set forth the reasons why a delay is necessary and the minimum amount of time needed to resolve the reasons for the delay and shall schedule the hearing at the earliest possible time following the delay. When the proposed disposition is termination of the parent-child legal relationship, the hearing on termination must not be held on the same date as the adjudication, and the time limits set forth above for dispositional hearings do not apply. When the proposed disposition is termination of the parent-child legal relationship, the court may continue the dispositional hearing to the earliest available date for a hearing in accordance with the provisions of subsection (3)(a) of this section and part 6 of this article 3. When the decree does not terminate the parent-child legal relationship, the court shall approve an appropriate treatment plan that must include but not be limited to one or more of the following provisions of subsections (1)(a) to (1)(d) of this section:

(c) The court may place legal custody in the county department of HUMAN OR social services or a child placement agency for placement in a foster care home or other child care facility. When the child is part of a sibling group and the sibling group is being placed out of the home, if the county department locates an appropriate, capable, willing, and available joint placement for all of the children in the sibling group, it ~~shall be~~ IS presumed that placement of the entire sibling group in the joint placement is in the best interests of the children. Such presumption may be rebutted by a preponderance of the evidence that placement of the entire sibling group in the joint placement is not in the best interests of a child or of the children.

(3) (b) Upon the entry of a decree terminating the parent-child legal relationship of both parents, of the sole surviving parent, or of the only known parent, the court may:

(I) Vest the county department of HUMAN OR social services or a child placement agency with the legal custody and guardianship of the person of a child for the purposes of placing the child for adoption; or

SECTION 63. In Colorado Revised Statutes, 19-3-702, **amend** (2), (2.5) introductory portion, and (5)(a) introductory portion as follows:

19-3-702. Permanency hearing - periodic review. (2) When the court schedules a permanency hearing ~~under~~ PURSUANT TO this section, the

court shall promptly issue a notice reciting briefly the substance of the motion. The notice ~~shall~~ MUST set forth the constitutional and legal rights of the child and the child's parents or guardian. Notice of the hearing ~~shall~~ MUST be given in accordance with the requirements stated in section 19-3-502 (7). Nothing in this section ~~shall require~~ REQUIRES the presence of any person before the court unless the court so directs. The court shall order the county department of HUMAN OR social services to develop a permanency plan for the child ~~which plan shall~~ TO be completed and submitted to the court at least three working days in advance of the permanency hearing as required in this section.

(2.5) At a permanency hearing held in a county designated pursuant to section 19-1-123, if the child is under six years of age at the time a petition is filed in accordance with section 19-3-501 (2) and has been placed out of the home for three months, the court shall review the progress of the case and the treatment plan including the provision of services. The court may order the county department of HUMAN OR social services to show cause why it should not file a motion to terminate the parent-child legal relationship pursuant to part 6 of this ~~article~~ ARTICLE 3. Cause may include, but not be limited to, the following conditions:

(5) In order to enable the child to obtain a permanent home, the court may make the following determinations and orders:

(a) If the court finds from the materials submitted by the county department of HUMAN OR social services that the child appears to be adoptable and meets the criteria for adoption in section 19-5-203, the court may order the county department of HUMAN OR social services to show cause why it should not file a motion to terminate the parent-child legal relationship pursuant to part 6 of this ~~article~~ ARTICLE 3. Cause may include, but need not be limited to, any of the following conditions:

SECTION 64. In Colorado Revised Statutes, 19-4-107, **amend** (1) introductory portion, (2), and (3) as follows:

19-4-107. Determination of father and child relationship - who may bring action - when action may be brought. (1) A child, his OR HER natural mother, or a man presumed to be his OR HER father ~~under~~ PURSUANT TO section 19-4-105 (1)(a), (1)(b), or (1)(c) or the state, the state department of human services, or a county department of HUMAN OR social services,

pursuant to article 13 or 13.5 of title 26 ~~C.R.S.~~, or article 5 of title 14 ~~C.R.S.~~, may bring an action:

(2) Any interested party, including the state, the state department of human services, or a county department of HUMAN OR social services, pursuant to article 13 or 13.5 of title 26 ~~C.R.S.~~, or article 5 of title 14 ~~C.R.S.~~, may bring an action at any time for the purpose of determining the existence or nonexistence of the father and child relationship presumed under PURSUANT TO section 19-4-105 (1)(d), (1)(e), or (1)(f).

(3) An action to determine the existence of the father and child relationship with respect to a child who has no presumed father under PURSUANT TO section 19-4-105 may be brought by the state, the state department of human services, a county department of HUMAN OR social services, the child, the mother or personal representative of the child, the personal representative or a parent of the mother if the mother has died, a man alleged or alleging himself to be the father, or the personal representative or a parent of the alleged father if the alleged father has died or is a minor.

SECTION 65. In Colorado Revised Statutes, 19-5-103, amend (1)(a), (2.5), and (4)(b) as follows:

19-5-103. Relinquishment procedure - petition - hearings.

(1) Any parent desiring to relinquish his or her child shall:

(a) Obtain counseling for himself or herself and the child to be relinquished as the court deems appropriate from the county department of HUMAN OR social services in the county where ~~such~~ THE parent resides or from a licensed child placement agency, and, if the petitioner has not received the counseling required by the court, the petition ~~shall~~ MUST be continued until counseling is obtained, and THE COURT SHALL REFER the petitioner ~~shall be referred~~ to counseling; ~~by the court;~~

(2.5) In those cases in which a parent proposes to relinquish his or her parent-child legal relationship with respect to a child who is under one year of age pursuant to the expedited procedures set forth in section 19-5-103.5, the licensed child placement agency or the county department of HUMAN OR social services assisting the relinquishing parent shall proceed with filing the petition and providing notice as set forth in section

19-5-103.5.

(4)(b) The relinquishing parent, child placement agency, and county department of HUMAN OR social services shall provide the court any and all information described in section 19-1-103 (80) that is available to ~~such~~ THE relinquishing parent, agency, or county department.

SECTION 66. In Colorado Revised Statutes, 19-5-103.5, amend (1)(a)(II), (1)(b)(I), (1)(b)(III), (2)(a), (2)(c), and (3) as follows:

19-5-103.5. Expedited relinquishment procedure - children under one year of age - other birth parents - notice - termination.

(1) (a) Notwithstanding the provisions of section 19-5-103 to the contrary, a parent desiring to relinquish his or her child may seek an expedited order terminating his or her parent-child legal relationship without the necessity of a court hearing if:

(II) The relinquishing parent is being assisted by a licensed child placement agency or the county department of HUMAN OR social services in the county where such parent resides;

(b) (I) The affidavit required to be signed by the parent seeking to relinquish his or her parental rights pursuant to this section ~~shall~~ MUST advise the relinquishing parent of the consequences of the relinquishment decision and ~~shall~~ MUST further advise the relinquishing parent that he or she is still required to obtain the relinquishment counseling described in section 19-5-103 (1)(a) and (2). The relinquishing parent ~~shall~~ MUST be advised of the opportunity to seek independent counseling. The affidavit ~~shall~~ MUST also advise the relinquishing parent that he or she may withdraw the affidavit anytime after signing it but before the affidavit and petition are filed with the court. The relinquishing parent may sign the affidavit before the birth of the child. The relinquishing birth parent may withdraw the affidavit from the child placement agency or county department of HUMAN OR social services in the county where ~~such~~ THE parent resides any time after signing it but before the affidavit and petition are filed with the court.

(III) The relinquishing parent's signature on the affidavit ~~shall~~ MUST be witnessed by two witnesses, one of whom ~~shall be~~ IS either a representative of the licensed child placement agency with which the relinquishing parent has contracted or a representative of the county

department of HUMAN OR social services in the county where ~~such~~ THE parent resides, whichever is assisting the parent. The other witness ~~shall~~ MUST not be associated with either the licensed child placement agency or the county department of HUMAN OR social services in the county where ~~such~~ THE parent resides, whichever is assisting the parent, and ~~shall~~ MUST not be the potential adoptive parent of the child to be relinquished.

(2) (a) Notwithstanding the provisions of section 19-5-105 to the contrary, in those cases in which a parent seeks to relinquish his or her parent-child legal relationship with a child pursuant to this section, the licensed child placement agency or the county department of HUMAN OR social services assisting the relinquishing parent shall proceed with filing the petition for termination of the other birth parent's or possible birth parents' parent-child legal relationship and notify pursuant to this section the other birth parent or possible birth parents identified pursuant to section 19-5-105 (2).

(c) The other birth parent or possible birth parents may sign the affidavit of voluntary relinquishment described in subsection (1) of this section. Such birth parent may sign the affidavit prior to the birth of the child. If the other birth parent or possible birth parent signs an affidavit of voluntary relinquishment, he or she may withdraw the affidavit from the child placement agency or the county department of HUMAN OR social services assisting the relinquishing parent any time after signing it but before the affidavit and petition are filed with the court.

(3) The licensed child placement agency or the county department of HUMAN OR social services assisting the relinquishing parent shall not submit the documents referenced in subsections (1) and (2) of this section for judicial review unless a permanent placement for the child has been identified.

SECTION 67. In Colorado Revised Statutes, 19-5-104, amend (1)(a) as follows:

19-5-104. Final order of relinquishment. (1) If the court terminates the parent-child legal relationship of both parents or of the only living parent, the court, after taking into account the religious background of the child, shall order guardianship of the person and legal custody transferred to:

(a) The county department of HUMAN OR social services; or

SECTION 68. In Colorado Revised Statutes, 19-5-105, **amend** (6) as follows:

19-5-105. Proceeding to terminate parent-child legal relationship. (6) In those cases in which a parent proposes to relinquish his or her parent-child legal relationship with a child who is under one year of age, pursuant to the expedited procedures set forth in section 19-5-103.5, the licensed child placement agency or the county department of HUMAN OR social services assisting the relinquishing parent shall proceed with filing the petition for termination of the other birth parent's or possible birth parents' parent-child legal relationship and notify the other birth parent or possible birth parents as provided in section 19-5-103.5 (2).

SECTION 69. In Colorado Revised Statutes, 19-5-203, **amend** (1)(d.5)(II) and (1)(h) introductory portion as follows:

19-5-203. Availability for adoption. (1) A child may be available for adoption only upon:

(d.5) (II) In a petition for a second-parent adoption, the court shall require a written home study report prepared by a county department of HUMAN OR social services, designated qualified individual, or child placement agency and approved by the department pursuant to section 19-5-207.5 (2). If the child of a sole legal parent was adopted by that parent less than one hundred eighty-two days prior to the filing of an adoption petition by a second prospective parent and if the second prospective parent was included in the home study report that was prepared pursuant to section 19-5-207 for the adoption of the child by the first parent, then that home study report ~~shall be~~ IS a valid home study report for the purpose of the second parent's adoption. If the filing of a petition for adoption by the second prospective parent occurs one hundred eighty-two days or more after the adoption by the first parent, a separate home study report ~~shall be~~ IS required pursuant to section 19-5-207.

(h) Verification by the child placement agency, a county department of HUMAN OR social services, or the attorney for the petitioner in any adoption proceeding that any custody obtained outside the state of Colorado was acquired by:

SECTION 70. In Colorado Revised Statutes, 19-5-205.5, **amend** (4) as follows:

19-5-205.5. Nonpublic agency interstate and foreign adoptions - legislative declaration - authority for state department to select agencies. (4) All interstate and foreign adoptions in Colorado made by the court, the county departments of HUMAN OR social services, or licensed child placement agencies ~~shall~~ **MUST** be MADE pursuant to section 19-5-206 (1).

SECTION 71. In Colorado Revised Statutes, 19-5-206, **amend** (1) as follows:

19-5-206. Placement for purposes of adoption. (1) ~~No~~ A placement of any child legally available for adoption ~~under~~ PURSUANT TO section 19-5-203 (1)(a), (1)(b), (1)(c), or (1)(g) ~~shall~~ **MUST NOT** be made for the purposes of adoption except by the court pursuant to section 19-5-104 (2), the county department of HUMAN OR social services, or a licensed child placement agency.

SECTION 72. In Colorado Revised Statutes, 19-5-207, **amend** (1), (2) introductory portion, (2.5)(a)(I), (2.5)(a)(II), (2.5)(a)(IV) introductory portion, (2.5)(c), and (8) as follows:

19-5-207. Written consent and home study report for public adoptions - fingerprint-based criminal history record checks - investigation - rules. (1) When a child is placed for adoption by the county department of HUMAN OR social services, a licensed child placement agency, or an individual, ~~such~~ **THE** department, agency, or individual shall file, with the petition to adopt, its written and verified consent to such adoption in addition to any notices received or sent pursuant to the terms of the "Interstate Compact on Placement of Children" set forth in part 18 of article 60 of title 24. ~~C.R.S.~~

(2) In all petitions for adoption, whether by the court, the county department of HUMAN OR social services, or child placement agencies, in addition to ~~such~~ written consent, the court shall require a written home study report from the county department of HUMAN OR social services, the designated qualified individual, or the child placement agency approved by the state department of human services pursuant to section 19-5-207.5 (2)

showing the following:

(2.5) (a) (I) In all petitions for adoption, whether by the court, the county department of HUMAN OR social services, or child placement agencies, in addition to the written home study report described in subsection (2) of this section, the court shall require the county department of HUMAN OR social services, the designated qualified individual, or the child placement agency to conduct a THE FINGERPRINT-BASED criminal history records check RECORD CHECKS for any prospective adoptive parent or any adult residing in the home.

(II) For purposes of fulfilling the FINGERPRINT-BASED criminal history records check RECORD CHECKS required in ~~subparagraph (I) of this paragraph (a)~~ SUBSECTION (2.5)(a)(I) OF THIS SECTION, the state board of human services shall promulgate rules concerning petitions for adoption when a child is placed for adoption by the county department of HUMAN OR social services or a child placement agency to require each prospective adoptive parent attempting to adopt a child placed for adoption by the county department of HUMAN OR social services or a child placement agency to obtain fingerprint-based criminal history record checks through the Colorado bureau of investigation and the federal bureau of investigation. The prospective adoptive parent to whom this ~~subparagraph (II)~~ SUBSECTION (2.5)(a)(II) applies shall be responsible for the cost of the FINGERPRINT-BASED criminal history record checks.

(IV) A prospective adoptive parent described in ~~subparagraph (III) of this paragraph (a)~~ SUBSECTION (2.5)(a)(III) OF THIS SECTION shall be responsible for presenting the results of his or her fingerprint-based criminal history record checks and the results of the fingerprint-based criminal history records checks of any adult residing in the home to the court for review by the court. The county department of HUMAN OR social services or the child placement agency, as may be appropriate, shall report to the court any case in which a fingerprint-based criminal history record check reveals CHECKS REVEAL that the prospective adoptive parent who is attempting to adopt a child placed for adoption by a county department of HUMAN OR social services or child placement agency or any adult residing in the home was convicted at any time of a felony or misdemeanor in one of the following areas:

(c) In addition to the fingerprint-based criminal history records

check RECORD CHECKS, the county department of HUMAN OR social services, the individual, or the child placement agency conducting the investigation shall contact the state department of human services and the appropriate entity in each state in which the prospective adoptive parent or parents or any adult residing in the home has resided in the preceding five years to determine whether the prospective adoptive parent or parents or any adult residing in the home has been found to be responsible in a confirmed report of child abuse or neglect and shall report such information to the court. Information obtained from any state records or reports of child abuse or neglect shall MUST not be used for any purpose other than completing the investigation for approval of the prospective adoptive parent.

(8) If a court orders a county department of HUMAN OR social services to counsel a birth parent concerning relinquishment of a child pursuant to the provisions of sections 19-5-103 and 19-5-104, the county department shall charge a fee to meet the full cost of the counseling.

SECTION 73. In Colorado Revised Statutes, 19-5-207.5, amend (1), (2), (3), (4)(a), (4)(b)(I), (5)(a), and (5)(c)(II) as follows:

19-5-207.5. Legislative declaration - standardized home studies - adoptive family resource registry - rules. (1) **Legislative declaration.** (a) (I) The general assembly hereby finds that there are a growing number of children in the legal custody of the county departments of HUMAN OR social services who are the victims of physical or sexual abuse, neglect, or abandonment and who are awaiting permanent placement in safe, loving, and nurturing adoptive homes. The general assembly further finds that with the expedited permanency procedures that have been established and with the enactment of legislation implementing the federal "Adoption and Safe Families Act of 1997", ~~Public Law~~ PUB.L. 105-89, it is anticipated that the number of children available for adoption will continue to increase dramatically and that there will be a corresponding increased need to identify statewide those families that are willing and qualified to adopt these needy children.

(II) The general assembly finds that, although the county departments of HUMAN OR social services have made admirable efforts in assessing and reporting on the qualifications of families interested in adopting, there is a need to make the valuable resource of such qualified families more available and accessible to all counties in the state in order

to satisfy the growing need for suitable adoptive families.

(b) Accordingly, the general assembly determines that it is appropriate and desirable for the STATE department to aid the county departments of HUMAN OR social services in their efforts to achieve permanency for children in their legal custody who are available for adoption by making accessible to such county departments a statewide adoptive family resource registry of families who are qualified for and desirous of adopting children with special needs. Toward that end, the general assembly further determines that it would be beneficial to such children and families for the STATE department to develop an approved vendor list of qualified home study providers by region, standardized investigation criteria, and minimum uniform adoptive home study report standards in order to achieve more timely adoptive placements, to reduce the burden associated with the adoption process, and to avert the possibility of failed adoptions.

(2) **Approved vendor lists for home studies.** (a) In order to achieve greater access to qualified families seeking to adopt children, to expedite permanency placement for children available for adoption, and to obtain reliable, high-quality assessments of families that can result in permanent and healthy placements, the STATE department shall develop an approved vendor list of county departments, individuals, and child placement agencies qualified to prepare the home study reports in public adoptions as required by section 19-5-207 (2).

(b) (I) On or before January 1, 2000, the STATE department shall issue a public request for applications from county departments of HUMAN OR social services, individuals, and child placement agencies desirous of conducting investigations and preparing written home study reports for prospective public adoptions in specified counties or geographic regions. The STATE department shall review the applications it receives and shall determine which applicants meet the qualifying criteria identified by the state board of human services pursuant to ~~subparagraph (II) of this paragraph~~ (b) SUBSECTION (2)(b)(II) OF THIS SECTION. Each county department of HUMAN OR social services, individual, or child placement agency that meets the qualifying criteria ~~shall~~ MUST be placed on the approved vendor list of home study report providers.

(II) The state board of human services shall promulgate rules

identifying the qualifying criteria that county departments of HUMAN OR social services, individuals, and child placement agencies must meet in order to qualify as an approved vendor pursuant to this ~~paragraph (b)~~ SUBSECTION (2)(b) for the purpose of conducting adoptive investigations and preparing home study reports. All county departments of HUMAN OR social services, qualified individuals, and child placement agencies that submit applications to the STATE department and that meet the qualifying criteria ~~shall~~ MUST be selected to perform home studies and, once such county departments, individuals, or agencies have been approved by the STATE department pursuant to this ~~paragraph (b)~~ SUBSECTION (2)(b), they shall be available to perform home studies in the specified county or region.

(c) All qualified county departments of HUMAN OR social services, individuals, and child placement agencies approved by the STATE department to conduct home studies pursuant to ~~paragraph (b) of this subsection (2)~~ SUBSECTION (2)(b) OF THIS SECTION shall prepare their home study reports in compliance with the minimum uniform standards prescribed by rule of the state board as described in subsection (3) of this section and any other additional criteria and standards established by a particular county pursuant to ~~paragraph (b) of subsection (3)~~ SUBSECTION (3)(b) of this section.

(d) Each qualified county department of HUMAN OR social services, individual, or child placement agency approved by the STATE department may promote the adoption of available children through a public information campaign directed at educating and informing the public about the need for safe and healthy adoptive families. Regional educational campaigns ~~shall be~~ ARE encouraged.

(e) All qualified county departments of HUMAN OR social services, individuals, and child placement agencies approved by the STATE department pursuant to this subsection (2) may participate in the statewide training provided by the STATE department.

(3) Standards for home studies. (a) The state board of human services shall promulgate rules identifying the criteria for the investigation and the minimum uniform standards for the home study reports with which the qualified county departments of HUMAN OR social services, individuals, or child placement agencies approved by the STATE department ~~shall~~ MUST comply. The criteria ~~shall~~ MUST include, but ~~shall~~ ARE not be limited to:

(I) The quality standards that the county department of HUMAN OR social services, the individual, or the child placement agency must achieve;

(II) The time frames within which the county department of HUMAN OR social services, the individual, or the child placement agency must complete the investigations and home study reports; and

(III) The capacity of the county department of HUMAN OR social services, the individual, or the child placement agency to assess the abilities of prospective adoptive families to meet the needs of a child with special needs.

(b) Nothing in this section ~~shall prohibit~~ PROHIBITS a county department of HUMAN OR social services from establishing additional criteria and standards that a county department of HUMAN OR social services, an individual, or a child placement agency ~~shall~~ MUST meet in preparing a home study report.

(4) **Fees for investigations and home studies.** (a) (I) Any person who, by his or her own request or by order of the court as provided in section 19-5-209, is the subject of a home study report and investigation conducted pursuant to section 19-5-207 by a county department of HUMAN OR social services, an individual, or a child placement agency ~~shall be~~ IS required to pay, based on an ability to pay, the cost of such report and investigation.

(II) In public adoptions, the state board of human services shall promulgate rules establishing the maximum amount that a county department of HUMAN OR social services, an individual, or a child placement agency may charge a prospective adoptive family for the investigation, FINGERPRINT-BASED criminal ~~records check~~ HISTORY RECORD CHECKS, and home study report required pursuant to section 19-5-207.

(III) The county department of HUMAN OR social services may waive the fee established pursuant to this subsection (4) if the fee poses a barrier to the adoption of a child for whom a county department of HUMAN OR social services has financial responsibility.

(b) (I) In addition to the fee specified in ~~paragraph (a) of this subsection~~ (4) SUBSECTION (4)(a) OF THIS SECTION, if the county department

of HUMAN OR social services has not placed a child available for a public adoption with a family who is the subject of an investigation and home study report after six months, then the county shall refer the family and the home study report for such family to the adoptive family resource registry established pursuant to subsection (5) of this section if there is written consent pursuant to ~~subparagraph (I) of paragraph (c) of subsection (5)~~ SUBSECTION (5)(c)(I) of this section. Prior to referral of a prospective adoptive family to the adoptive family resource registry, the prospective adoptive family ~~shall~~ MUST be assessed and shall pay a nonrefundable administrative fee in an amount to be determined by rule of the state board of human services. A family ~~shall~~ MUST not be assessed the fee described in this ~~paragraph (b)~~ SUBSECTION (4)(b) if the family is not referred to the adoptive family resource registry.

(5) **Adoptive family resource registry.** (a) Subject to available funds as specified in ~~subparagraph (III) of paragraph (b) of this subsection (5)~~ SUBSECTION (5)(b)(III) OF THIS SECTION, the STATE department shall establish a statewide adoptive family resource registry that county departments of HUMAN OR social services may access to determine the availability of qualified families seeking to adopt a child in the custody of a county department of HUMAN OR social services. The STATE department is authorized to contract with a public or private entity for the provision of this service.

(c) (II) The state board of human services shall promulgate rules specifying the limited amount of nonidentifying data concerning a person interested in a public adoption that ~~shall be~~ IS available to county departments of HUMAN OR social services on the internet through the adoptive family resource registry.

SECTION 74. In Colorado Revised Statutes, 19-5-208, amend (2.5)(a) introductory portion, (2.5)(a)(I), (3), and (6) as follows:

19-5-208. Petition for adoption. (2.5) (a) Pursuant to the provisions of section 19-1-126, the petition for adoption ~~shall~~ MUST:

(I) Include a statement indicating what continuing inquiries the county department of HUMAN OR social services or child placement agency has made in determining whether the child who is the subject of the proceeding is an Indian child;

(3) If the adoption placement is made by the county department of HUMAN OR social services or a child placement agency, the information required in ~~paragraphs (b) and (f) of subsection (2)~~ SUBSECTIONS (2)(b) AND (2)(f) of this section ~~shall~~ MUST not be included in the petition but ~~shall be~~ transmitted to the court as part of the home study report required in section 19-5-207.

(6) In all custodial and kinship adoptions, the petition ~~shall~~ MUST contain a statement that the petitioner has consulted with the appropriate local county department of HUMAN OR social services concerning the possible eligibility of the petitioner and the child for temporary assistance for needy families (TANF), medicaid, subsidized adoption and other services or public assistance administered by the county department of HUMAN OR social services.

SECTION 75. In Colorado Revised Statutes, 19-5-209, **amend** (1) as follows:

19-5-209. Petition - written home study reports. (1) Except for stepparent adoptions, kinship adoptions, custodial adoptions, and those cases in which placement for adoption has been made by the court, if a petition for the adoption of a child is not accompanied by the written consent and home study report of the qualified county department of HUMAN OR social services, individual, or a licensed child placement agency approved by the state department of human services pursuant to section 19-5-207.5 (2), the court shall order the county department of HUMAN OR social services, individual, or licensed child placement agency to make an investigation and file a written home study report substantially in the form outlined in section 19-5-207 (2), including a recommendation as to whether the adoption should be decreed.

SECTION 76. In Colorado Revised Statutes, 19-5-210, **amend** (2)(b.5) as follows:

19-5-210. Hearing on petition. (2) In stepparent, custodial, or kinship adoptions, the court shall hold a hearing on the petition as soon as possible. In all other adoptions, the court shall hold a hearing on the petition no sooner than one hundred eighty-two days after the date the child begins to live in the prospective adoptive parent's home, unless for good cause shown that time is extended or shortened by the court. At the hearing held

on the petition, the court shall enter a decree setting forth its findings and grant to the petitioner a final decree of adoption if it is satisfied as to:

(b.5) The FINGERPRINT-BASED criminal records-check HISTORY RECORD CHECKS of the prospective adoptive parent as reported to the court by the county department of HUMAN OR social services or the child placement agency pursuant to section 19-5-207 (2.5) or the information provided to the court pursuant to section 19-5-208 (5) does not reveal a criminal history described in SECTION 19-5-207 (2.5)(a);

SECTION 77. In Colorado Revised Statutes, 19-5-213.5, amend (3)(a) and (3)(f) as follows:

19-5-213.5. Unauthorized advertising for adoption purposes - exceptions - penalty - definitions. (3) Subsection (2) of this section does not apply to:

(a) An employee of the state department of human services, a county department of HUMAN OR social services, or a child placement agency that is licensed pursuant to part 1 of article 6 of title 26 ~~C.R.S.~~, who is acting within the scope of his or her employment to place a child for adoption or in foster care;

(f) An individual who has received a favorable recommendation regarding his or her fitness to be an adoptive parent in this state from the state department of human services, a county department of HUMAN OR social services, or a child placement agency licensed in this state or in another jurisdiction from an entity authorized by that jurisdiction to conduct studies of potential adoptive homes; or

SECTION 78. In Colorado Revised Statutes, 19-5-216, amend (1)(a) introductory portion as follows:

19-5-216. Increased access for adoption - study. (1) (a) The STATE department shall examine and evaluate the process of adoptive placements of children in the legal custody of the county departments of HUMAN OR social services and identify those aspects of the process that may be improved to achieve the ultimate goal of permanency for the greatest number of children in safe and healthy adoptive homes. In conducting this analysis, the STATE department should consider, but need not be limited to,

the following:

SECTION 79. In Colorado Revised Statutes, 19-7-101, **amend** (1) introductory portion and (1)(g) as follows:

19-7-101. Legislative declaration. (1) The general assembly hereby finds and declares that youth in foster care, excluding those in the custody of the division of youth services or a state mental hospital FOR PERSONS WITH MENTAL HEALTH DISORDERS, should enjoy the following:

(g) Being free to contact the child protection ombudsman, county department of HUMAN OR social services, or the STATE department of human services regarding any questions, concerns, or violations of the rights set forth in this ~~article~~ ARTICLE 7, and to speak to representatives of those offices privately, and being free from threats or punishment for making complaints;

SECTION 80. In Colorado Revised Statutes, 19-7-102, **amend** (2)(b) as follows:

19-7-102. Protection against identity theft. (2) (b) In compiling the referral list pursuant to ~~paragraph (a) of this subsection~~ (2) SUBSECTION (2)(a) OF THIS SECTION, the STATE department of human services, and any county departments of HUMAN OR social services consulted therein, ~~shall~~ ARE not be subject to liability pursuant to the extent provided by article 10 of title 24. ~~C.R.S.~~

SECTION 81. In Colorado Revised Statutes, 19-7-103, **amend** (2) as follows:

19-7-103. Access to extracurricular activities - legislative declaration - rules. (2) If the STATE department of human services or a county department of HUMAN OR social services waives a THE fingerprint-based criminal history ~~records check~~ RECORD CHECKS pursuant to subsection (1) of this section, the STATE department of human services or county department of HUMAN OR social services ~~shall~~ ARE not be subject to liability pursuant to the extent provided by article 10 of title 24. ~~C.R.S.~~

SECTION 82. In Colorado Revised Statutes, 20-1-102, **amend** (3) as follows:

20-1-102. Appear on behalf of state and counties. (3) The district attorney, when enforcing support laws pursuant to statute or contract, may use any remedy, either civil or criminal, available under the laws of this state and may appear on behalf of the people of the state of Colorado in any judicial district in this state. When doing so, the district attorney represents the people of the state of Colorado, and nothing within this section ~~shall be construed to create~~ **CREATES** an attorney-client relationship between the district attorney and any party, other than the people of the state of Colorado, or witness to the action; except that any district attorney who is a contractual agent for a county department of **HUMAN OR** social services shall collect a fee pursuant to section 26-13-106 (2). ~~C.R.S.~~

SECTION 83. In Colorado Revised Statutes, 20-1-201, **amend** (1)(d) as follows:

20-1-201. Deputies - chief deputies - staff. (1) (d) To prosecute felony nonsupport actions pursuant to article 6 of title 14, ~~C.R.S.~~, the district attorney in every judicial district is authorized to appoint any attorney performing child support enforcement services for the county department of **HUMAN OR** social services pursuant to article 13 of title 26 ~~C.R.S.~~, as a special deputy district attorney, whether ~~such~~ **THE** attorney is employed by the department directly, as a contractual agent for the department, or through the services of a private company under contract with the department. ~~In no event shall~~ **A** special deputy district attorney appointed pursuant to this subsection (1) **SHALL NOT** be granted all of the powers enumerated in section 16-2.5-101. ~~C.R.S.~~ The powers granted by this appointment ~~shall be~~ **ARE** limited to the prosecutions delineated in this subsection (1).

SECTION 84. In Colorado Revised Statutes, 22-2-139, **amend** (1) introductory portion, (1)(a), (3), (4), (5), (6), (7), and (8) as follows:

22-2-139. Memorandum of understanding - notification of risk - rules. (1) On or before July 1, 2011, the **STATE** department of human services and the department of education shall enter into a memorandum of understanding concerning the enrollment of students in the public school system from a state-licensed day treatment facility, facility school, or hospital licensed or certified pursuant to section 25-3-101. ~~C.R.S.~~ The memorandum of understanding ~~shall~~ **MUST** include, but need not be limited to:

(a) A consistent and uniform approach to notification and appropriate and allowable data-sharing about students, including but not limited to medical, mental health, sociological, and scholastic achievement, within the limits of state and federal privacy and confidentiality law, between school districts, charter schools, institute charter schools, and county departments of HUMAN OR social services for the purposes of collaboration in the placement of students pursuant to this section and section 22-20-108, better facilitation of the creation of transition plans for students, and ensuring the safety of the people in the school community;

(3) This section ~~shall apply~~ only APPLIES to a hospital licensed or certified pursuant to section 25-3-301 ~~C.R.S.~~, that is providing inpatient acute care or psychiatric services for a student for more than ten days and if there is actual knowledge that the student will attend an identified public school within sixty days after discharge from the hospital. For purposes of this subsection (3), information shared with the STATE department of human services, county department of HUMAN OR social services, or child education welfare liaison ~~shall~~ MUST be shared only for a student who has been deemed to be a risk to himself or herself or the community within the twelve months prior to discharge.

(4) The notification required in subsection (2) of this section ~~shall~~ MUST be made at least ten calendar days prior to the student's transition from the state-licensed day treatment facility, facility school, or hospital licensed or certified pursuant to section 25-3-101, ~~C.R.S.~~, and subsequent enrollment in a public school and ~~shall~~ MUST include an invitation to the child welfare education liaison, or his or her designee, to participate in the development of a transition plan for the student. The information provided to the child welfare education liaison ~~shall~~ MUST include, but need not be limited to, the transitioning student's educational records from the transferring educational facility and an outline of the student's transitional needs to be successful in the public school setting, which information would assist the school district in meeting the student's needs and ensuring a successful transition. If the transitioning student is in the custody of the STATE department of human services or a county department of HUMAN OR social services, the state-licensed day treatment facility, facility school, or hospital licensed or certified pursuant to section 25-3-101 ~~C.R.S.~~, shall also provide the notification to the STATE department of human services.

(5) If a change of placement is required for the safety of the student

or if a court, the STATE department of human services, or a county department of HUMAN OR social services makes a placement change with fewer than ten calendar days notice, the responsible state or county department of human services or social services shall provide information to the child welfare education liaison, designated pursuant to section 22-32-138 (2)(a), of the receiving school district, charter school, or institute charter school within five calendar days following the student's placement. The information provided to the child welfare education liaison ~~shall~~ MUST include, but need not be limited to, the transitioning student's educational records from the transferring educational facility and an outline of the student's transitional needs to be successful in the public school setting, which information would assist the district in meeting the student's needs and ensuring a successful transition.

(6) The responsible county department of HUMAN OR social services and the receiving school district, charter school, or institute charter school shall cooperate to ensure that an appropriate placement including educational services is made pursuant to this section and sections 19-1-115.5, ~~C.R.S.~~, 22-20-108, and 22-32-138, as applicable.

(7) Within the confidentiality and privacy limits of state and federal law, the responsible county department of HUMAN OR social services or the school district, charter school, institute charter school, or facility school shall provide information about the student to assist the receiving entity in determining an appropriate educational placement for the student.

(8) Nothing in this section ~~shall alter~~ ALTERS the rights and obligations of the department of education, the STATE department of human services, a county department of HUMAN OR social services, or a school district, as such rights and obligations are set forth in this title TITLE 22; 20 U.S.C. sec. 1400 et seq.; 29 U.S.C. sec. 701 et seq.; 42 U.S.C. sec. 11431 et seq.; and 42 U.S.C. sec. 675, as amended by the federal "Fostering Connections to Success and Increasing Adoptions Act of 2008", Pub.L. 110-351.

SECTION 85. In Colorado Revised Statutes, 22-2-404, **amend** (2)(c) as follows:

22-2-404. Facility schools board - created - membership. (2) The state board shall appoint the members of the facility schools board as

follows:

(c) One person who represents county departments of HUMAN OR social services within Colorado;

SECTION 86. In Colorado Revised Statutes, 22-2-405, **amend** (1)(f) as follows:

22-2-405. Facility schools unit - duties. (1) In addition to any other duties that may be required by law, the unit shall:

(f) Communicate and collaborate with the STATE department of human services, the county departments of HUMAN OR social services, and referring agencies regarding the placement and transfer of students in facilities, including but not limited to communication concerning academic testing prior to and following placement and other academic and achievement testing.

SECTION 87. In Colorado Revised Statutes, 22-2-409, **amend** (2), (3), (4), (5), and (6) as follows:

22-2-409. Notification of risk. (2) This section ~~shall apply~~ **APPLIES** only to a hospital licensed or certified pursuant to section 25-3-301 ~~C.R.S.~~, that is providing inpatient acute care or psychiatric services for a student for more than ten days and if there is actual knowledge that the student will attend an identified public school within sixty days after discharge from the hospital. For purposes of this subsection (2), information shared with the STATE department of human services, county department of HUMAN OR social services, or child education welfare liaison ~~shall~~ **MUST** be shared only for a student who has been deemed to be a risk to himself or herself or the community within the twelve months prior to discharge.

(3) The notification required in subsection (1) of this section ~~shall~~ **MUST** be made at least ten calendar days prior to the student's transition from the state-licensed day treatment facility, facility school, or hospital licensed or certified pursuant to section 25-3-101 ~~C.R.S.~~, and subsequent enrollment in a public school and ~~shall~~ **MUST** include an invitation to the child welfare education liaison, or his or her designee, to participate in the development of a transition plan for the student. The information provided to the child welfare education liaison ~~shall~~ **MUST** include, but need not be

limited to, the transitioning student's educational records from the transferring educational facility and an outline of the student's transitional needs to be successful in the public school setting, which information would assist the school district in meeting the student's needs and ensuring a successful transition. If the transitioning student is in the custody of the STATE department of human services or a county department of HUMAN OR social services, the state-licensed day treatment facility, facility school, or hospital licensed or certified pursuant to section 25-3-101 ~~C.R.S.~~, shall also provide the notification to the STATE department of human services.

(4) If a change of placement is required for the safety of the student or if a court, the STATE department of human services, or a county department of HUMAN OR social services makes a placement change with fewer than ten calendar days notice, the responsible state or county department of human services or social services shall provide information to the child welfare education liaison, designated pursuant to section 22-32-138 (2)(a), of the receiving school district, charter school, or institute charter school within five calendar days following the student's placement. The information provided to the child welfare education liaison ~~shall~~ **MUST** include, but need not be limited to, the transitioning student's educational records from the transferring educational facility and an outline of the student's transitional needs to be successful in the public school setting, which information would assist the district in meeting the student's needs and ensuring a successful transition.

(5) The responsible county department of HUMAN OR social services and the receiving school district, charter school, or institute charter school shall cooperate to ensure that an appropriate placement including educational services is made pursuant to this section and sections 19-1-115.5, ~~C.R.S.~~, 22-20-108, and 22-32-138, as applicable.

(6) Within the confidentiality and privacy limits of state and federal law, the responsible county department of HUMAN OR social services or the school district, charter school, institute charter school, or facility school shall provide information about the student to assist the receiving entity in determining an appropriate educational placement for the student.

SECTION 88. In Colorado Revised Statutes, 22-14-106, **amend** (2) introductory portion and (2)(e) as follows:

22-14-106. Local education provider practices assessment - technical assistance - rules. (2) Each practices assessment, at a minimum, ~~shall~~ **MUST** address the high priority or priority local education provider's:

(e) Coordination with child welfare services, including but not limited to county departments of HUMAN OR social services, facility schools, and other youth services providers;

SECTION 89. In Colorado Revised Statutes, 22-20-103, **amend** (12.7) as follows:

22-20-103. Definitions. As used in this part 1, unless the context otherwise requires:

(12.7) "Foster home" has the same meaning as a "foster care home" as defined in section 26-6-102 (14) ~~C.R.S.~~, and ~~shall~~ **MUST** be licensed by the STATE department of human services or certified by a county department of HUMAN OR social services or certified by a child placement agency as defined in section 26-6-102 (7). ~~C.R.S.~~

SECTION 90. In Colorado Revised Statutes, 22-28-105, **amend** (1)(b) introductory portion and (1)(b)(III)(B) as follows:

22-28-105. District preschool program advisory council - duties. (1) (b) The appointed members of the district advisory council ~~shall~~ **MUST** include, but ~~shall not be~~ ARE NOT limited to, the following:

(III) Representatives from the following:

(B) The county department of HUMAN OR social services;

SECTION 91. In Colorado Revised Statutes, 22-32-109.3, **amend** (2)(b) as follows:

22-32-109.3. Board of education - specific duties - student records. (2) Notwithstanding the provisions of subsection (1) of this section, the address and telephone number and any medical, psychological, sociological, and scholastic achievement data concerning any student are released only under the following conditions:

(b) To district or municipal court personnel, the division of youth services, county departments of HUMAN OR social services, the youthful offender system, and any other juvenile justice agency within fifteen days after receipt by the school district of a court order authorizing release of such information.

SECTION 92. In Colorado Revised Statutes, 22-32.5-105, amend (1)(c) as follows:

22-32.5-105. Suggested innovations. (1) In considering or creating an innovation plan or a plan for creating an innovation school zone, each local school board is strongly encouraged to consider innovations in the following areas:

(c) Provision of services, including but not limited to special education services; services for gifted and talented students; services for English language learners; educational services for students at risk of academic failure, expulsion, or dropping out; and support services provided by the STATE department of human services or county DEPARTMENTS OR AGENCIES OF HUMAN OR social services; ~~agencies~~;

SECTION 93. In Colorado Revised Statutes, 22-38-106, amend (1) as follows:

22-38-106. Application process for pilot school contract. (1) The state board shall appoint a selection committee to review applications for each of the pilot schools established pursuant to this ~~article~~ ARTICLE 38 and to make recommendations to the state board as to whether a pilot school should be established in an area and which applicant should be selected. The state board shall appoint, as members of or advisors to the committee, members from the county departments of HUMAN OR social services from each region in which a pilot school is to be established. The committee may also include persons from local school districts, local law enforcement agencies, local probation departments, community-based organizations, parent groups, and any other interested private citizens.

SECTION 94. In Colorado Revised Statutes, 24-1.9-102, amend (1)(a) introductory portion and (1)(c) as follows:

24-1.9-102. Memorandum of understanding - local-level

interagency oversight groups - individualized service and support teams - coordination of services for children and families - requirements - waiver. (1) (a) Local representatives of each of the agencies specified in this subsection (1)(a) and county departments of HUMAN OR social services may enter into memorandums of understanding that are designed to promote a collaborative system of local-level interagency oversight groups and individualized service and support teams to coordinate and manage the provision of services to children and families who would benefit from integrated multi-agency services. The memorandums of understanding entered into pursuant to this subsection (1) must be between interested county departments of HUMAN OR social services and local representatives of each of the following agencies or entities:

(c) Notwithstanding the provisions of ~~paragraph (b) of this subsection (1)~~ SUBSECTION (1)(b) OF THIS SECTION, the agencies specified in ~~paragraphs (a) and (a.5) of this subsection (1)~~ SUBSECTIONS (1)(a) AND (1)(a.5) OF THIS SECTION may enter into memorandums of understanding involving only one or more county departments of HUMAN OR social services, not necessarily by region, as may be appropriate to ensure the effectiveness of local-level interagency oversight groups and individualized service and support teams in the county or counties.

SECTION 95. In Colorado Revised Statutes, 24-1.9-103, **amend** (2)(b) introductory portion, (2)(b)(III), and (2)(b)(VII) as follows:

24-1.9-103. Reports - executive director review. (2) (b) The following persons or their designees shall attend the annual meeting required pursuant to ~~paragraph (a) of this subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION:

(III) A director of a county department of HUMAN OR social services that has entered into a memorandum of understanding and has met or exceeded the performance measures identified in the memorandum of understanding pursuant to section 24-1.9-102 (2)(i), as such director is selected by the executive director of the STATE department of human services;

(VII) A representative from a statewide parent advocacy or family advocacy organization who participated in the development of a

memorandum of understanding, as such representative is selected by a director of a county department of HUMAN OR social services chosen by the state department of human services;

SECTION 96. In Colorado Revised Statutes, 24-4-105, amend (14)(a) introductory portion and (14)(a)(I) as follows:

24-4-105. Hearings and determinations. (14) (a) For the purpose of a decision by an agency ~~which~~ THAT conducts a hearing or an initial decision by an administrative law judge or a hearing officer, the record ~~shall~~ **MUST** include: All pleadings, applications, evidence, exhibits, and other papers presented or considered, matters officially noticed, rulings upon exceptions, any findings of fact and conclusions of law proposed by any party, and any written brief filed. The agency, administrative law judge, or hearing officer may permit oral argument. ~~No~~ **THE AGENCY, THE ADMINISTRATIVE LAW JUDGE, OR THE HEARING OFFICER SHALL NOT RECEIVE OR CONSIDER** ex parte material or representation of any kind offered without notice. ~~shall be received or considered by the agency, the administrative law judge, or by the hearing officer.~~ The agency, an administrative law judge, or hearing officer, with the consent of all parties, may eliminate or summarize any part of the record where this may be done without affecting the decision. In any case in which the agency has conducted the hearing, the agency shall prepare, file, and serve upon each party its decision. In any case in which an administrative law judge or a hearing officer has conducted the hearing, the administrative law judge or the hearing officer shall prepare and file an initial decision ~~which~~ **THAT** the agency shall serve upon each party, except where all parties with the consent of the agency have expressly waived their right to have an initial decision rendered by such administrative law judge or hearing officer. Each decision and initial decision ~~shall~~ **MUST** include a statement of findings and conclusions upon all the material issues of fact, law, or discretion presented by the record and the appropriate order, sanction, relief, or denial. ~~thereof.~~ An appeal to the agency ~~shall~~ **MUST** be made as follows:

(I) With regard to initial decisions regarding agency action by the department of health care policy and financing, the state department of human services, or county department of HUMAN OR social services, or any contractor acting for any such department, under section 26-1-106 (1)(a) or 25.5-1-107 (1)(a), ~~C.R.S.~~, by filing exceptions within fifteen days after service of the initial decision upon the parties, unless extended by the

department of health care policy and financing, or the state department of human services, as applicable, or unless a review has been initiated in accordance with this ~~subparagraph~~ **(I) SUBSECTION (14)(a)(I)** upon motion of the applicable department within fifteen days after service of the initial decision. In the event a party fails to file an exception within fifteen days, the applicable department may allow, upon a showing of good cause by the party, for an extension of up to an additional fifteen days to reconsider the final agency action.

SECTION 97. In Colorado Revised Statutes, 24-30-2204, amend (2)(b)(IV) as follows:

24-30-2204. Program to assist persons to obtain disability benefits - repeal. (2) (b) The committee shall not award the contract unless the proposal includes:

(IV) A plan for establishment of working relationships with state agencies, county departments of human OR SOCIAL services, health care providers, the United States social security administration, and the business community;

SECTION 98. In Colorado Revised Statutes, 24-54-101, amend (2.5) as follows:

24-54-101. Authorization to establish and maintain retirement plan or system - definitions. (2.5) Any pension plan or system of retirement benefits established by a county or counties may include participating county departments of health and HUMAN OR social services, library districts organized or existing pursuant to part 1 of article 90 of this title TITLE 24 located in whole or in part within those counties, and the district attorneys' offices serving those counties.

SECTION 99. In Colorado Revised Statutes, 25-2-117, amend (2)(a)(I)(B) and (2)(a)(I)(C) as follows:

25-2-117. Certified copies furnished - fee. (2) An applicant shall pay fees established pursuant to section 25-2-121 for each of the following services:

(a) The reproduction and certification of birth or death records;

except that an applicant shall not pay a fee:

(I) For the provision of a certified copy of such a record to:

(B) A county department of HUMAN OR social services; ~~or human services;~~ or

(C) An individual presenting a letter of referral from a county department of HUMAN OR social services; or

SECTION 100. In Colorado Revised Statutes, 25-3.5-803, amend (2) as follows:

25-3.5-803. Definitions. As used in this part 8, unless the context otherwise requires:

(2) "Entity" means any local government, county, district, or municipal public health agency, political subdivision of the state, county department of HUMAN OR social services, state agency, state institution of higher education that offers a teacher education program, school, school district, or board of cooperative services or any private nonprofit or not-for-profit community-based organization. "Entity" also means a for-profit organization that applies for a grant for the sole purpose of providing a statewide public information campaign concerning tobacco use prevention and cessation.

SECTION 101. In Colorado Revised Statutes, 25-20.5-106, amend (2) introductory portion and (2)(b)(III) as follows:

25-20.5-106. State board of health - rules - program duties.

(2) The state board of health also shall adopt rules for the uniform operation of federally and state-funded prevention, intervention, and treatment programs. In adopting such rules, the board shall take into account prevention, intervention, and treatment programs' need for responsiveness and flexibility and their need for procedures and standards that will ensure the provision of programs that meet a high standard of excellence. At a minimum such rules ~~shall~~ MUST include:

(b) Uniform, minimum standards for prevention, intervention, and treatment programs, including but not limited to requirements that each

prevention, intervention, and treatment program that receives state or federal funds:

(III) Work collaboratively with other public and private prevention, intervention, and treatment programs in the community and with local governments, county, district, and municipal public health agencies, county departments of HUMAN OR social services, and faith-based organizations in the community;

SECTION 102. In Colorado Revised Statutes, 25-20.5-403, amend (1) as follows:

25-20.5-403. Definitions. As used in this part 4, unless the context otherwise requires:

(1) "County department" means the county or district department of HUMAN OR social services.

SECTION 103. In Colorado Revised Statutes, 25-20.5-404, amend (3)(b)(II) as follows:

25-20.5-404. Local and regional review teams - creation - membership - authority. (3) (b) A local or regional review team may include but is not limited to representatives from the following entities or groups located within the service area of the establishing county or district public health agency or agencies:

(II) Each county board of HUMAN OR social services;

SECTION 104. In Colorado Revised Statutes, 25-20.5-407, amend (1)(h) as follows:

25-20.5-407. State review team - duties - definitions. (1) The state review team shall:

(h) Provide an annual summary to the STATE department of human services outlining the trends and patterns of child abuse and neglect fatalities, including information regarding the findings from cases known and unknown to the county departments of HUMAN OR social services;

SECTION 105. In Colorado Revised Statutes, 25-20.5-408, amend (1)(a) as follows:

25-20.5-408. Access to records. (1) **Review team access to records.** (a) Notwithstanding any other state law to the contrary but subject to the requirements of applicable provisions of federal law, the state review team and the local or regional review teams ~~shall~~ have access to all records and information in the possession of the STATE department of human services and the county departments of HUMAN OR social services that are relevant to the review of a child fatality, including records and information related to previous reports and investigations of suspected child abuse or neglect.

SECTION 106. In Colorado Revised Statutes, 25.5-1-103, amend the introductory portion, (1), (2), and (3) as follows:

25.5-1-103. Definitions. As used in this ~~title~~ TITLE 25.5, unless the context otherwise requires:

(1) "County board" means the county or district board of HUMAN OR social services; except that, in the city and county of Denver, "county board" means the department or agency with the responsibility for public assistance and welfare activities, and, in the city and county of Broomfield, "county board" means the city council or a board or commission with the responsibility for public assistance and welfare activities appointed by the city and county of Broomfield.

(2) "County department" means the county or district department of HUMAN OR social services.

(3) "County director" means the director of the county or district department of HUMAN OR social services.

SECTION 107. In Colorado Revised Statutes, 25.5-1-107, amend (1) as follows:

25.5-1-107. Final agency action - administrative law judge - authority of executive director. (1) The executive director may appoint one or more persons to serve as administrative law judges for the state department pursuant to section 24-4-105 ~~C.R.S.~~, and pursuant to part 10 of

article 30 of title 24 ~~C.R.S.~~, subject to appropriations made to the department of personnel. Except as provided in subsection (2) of this section, hearings conducted by the administrative law judge ~~shall be~~ ARE considered initial decisions of the state department and shall be reviewed by the executive director or a designee of the executive director. In the event exceptions to the initial decision are filed pursuant to section 24-4-105 (14)(a)(I), ~~C.R.S.~~, ~~such~~ THE review ~~shall~~ MUST be in accordance with section 24-4-105 (15). ~~C.R.S.~~ In the absence of any exception filed pursuant to section 24-4-105 (14)(a)(I), ~~C.R.S.~~, the executive director shall review the initial decision in accordance with a procedure adopted by the state board. ~~Such~~ THE procedure ~~shall~~ MUST be consistent with federal mandates concerning the single state agency requirement. Review by the executive director in accordance with section 24-4-105 (15) ~~C.R.S.~~, or the procedure adopted by the state board pursuant to this section ~~shall constitute~~ CONSTITUTES final agency action. The administrative law judge may conduct hearings on appeals from decisions of county departments of HUMAN OR social services brought by recipients of and applicants for medical assistance and welfare ~~which~~ THAT are required by law in order for the state to qualify for federal funds, and the administrative law judge may conduct other hearings for the state department. Notice of any such hearing ~~shall~~ MUST be served at least ten days prior to such hearing.

SECTION 108. In Colorado Revised Statutes, amend 25.5-1-117 as follows:

25.5-1-117. County departments - district departments.

(1) Except as provided in subsection (2) of this section, there ~~shall be~~ IS established in each county of the state a county department of HUMAN OR social services that ~~shall consist~~ CONSISTS of a county board of HUMAN OR social services, a county director of HUMAN OR social services, and any additional employees as may be necessary for the efficient performance of public assistance, as defined in section 26-2-103 (7), ~~C.R.S.~~, and medical assistance.

(2) Single entry point agencies established pursuant to part 1 of article 6 of this ~~title~~ TITLE 25.5, other than county departments OF HUMAN OR SOCIAL SERVICES acting as single entry point agencies, may act as state designated agencies and are ~~hereby~~ authorized to carry out functions as specified in part 1 of article 6 of this ~~title~~ TITLE 25.5 that are otherwise performed by county departments OF HUMAN OR SOCIAL SERVICES.

(3) With the approval of the STATE department of human services, two or more counties may jointly establish a district department of HUMAN OR social services. All duties and responsibilities for county departments OF HUMAN OR SOCIAL SERVICES set forth in this ~~title shall~~ TITLE 25.5 also apply to district departments of HUMAN OR social services.

SECTION 109. In Colorado Revised Statutes, 25.5-4-106, **amend** (5) as follows:

25.5-4-106. Cooperation with federal government - grants-in-aid - cooperation with the state department of human services in delivery of services. (5) The state department is responsible for administering the delivery of medical assistance by county departments of HUMAN OR social services or any other public or private entities participating in the delivery of medical assistance pursuant to this ~~article~~ ARTICLE 4 and articles 5 and 6 of this ~~title~~ TITLE 25.5.

SECTION 110. In Colorado Revised Statutes, 25.5-4-301, **amend** (2) introductory portion, (3)(a) introductory portion, and (3)(a)(IV) as follows:

25.5-4-301. Recoveries - overpayments - penalties - interest - adjustments - liens - review or audit procedures. (2) Any overpayment to a provider, including those of personal needs funds made pursuant to section 25.5-6-206, ~~shall be~~ ARE recoverable regardless of whether the overpayment is the result of an error by the state department, a county department of HUMAN OR social services, an entity acting on behalf of either department, or by the provider or any agent of the provider as follows:

(3) (a) A review or audit of a provider ~~shall be~~ IS subject to the following procedures:

(IV) The reviewer or auditor shall initiate each review or audit requiring an inspection of the provider's records by delivering to the provider not less than ten business days prior to the commencement of the audit a written request describing in detail such records and offering the provider the option of providing either a reproduction of such records or inspection by the reviewer or auditor at the provider's site. The request ~~shall~~ MUST also clearly define milestone dates pertaining to records' requested due dates, permissible extensions of dates, the timelines for informal

reconsideration, and deadlines for requesting a formal appeal. The records subject to the request ~~shall~~ MUST be limited to records directly related to claims for reimbursement submitted by the provider. In the event such records are available from a county department of HUMAN OR social services or another agency, subdivision, or contractor of the state, the reviewer or auditor shall request such records from such other agencies as may be appropriate prior to making a request to the provider. The reviewer or auditor shall conduct on-site inspections at reasonable times during regular business hours, and the reviewer or auditor shall make arrangements necessary for the reproduction of such records on site. If the provider chooses to provide a reproduction of the records requested by the reviewer or auditor instead of on-site inspection, the reviewer or auditor shall give the provider a reasonable period of time, ~~that shall be~~ not less than forty-five days, to provide such records taking into account the scope of the request, the time frame covered, and the reproduction arrangements available to the provider.

SECTION 111. In Colorado Revised Statutes, 25.5-5-306, amend (1) as follows:

25.5-5-306. Residential child health care - waiver - program - rules. (1) The state department, in cooperation with the STATE department of human services, shall implement a program concerning residential child health care under this ~~article~~ ARTICLE 5 and articles 4 and 6 of this title TITLE 25.5 to provide services pursuant to article 67 of title 27, ~~C.R.S.~~, to medicaid-eligible children residing in residential child care facilities, as that term is defined in section 26-6-102 (33), ~~C.R.S.~~, to medicaid-eligible children residing in psychiatric residential treatment facilities, and children placed by the STATE department of human services or through county departments of HUMAN OR social services in licensed or certified out-of-home placement facilities. Children with intellectual and developmental disabilities, as defined in section 25.5-10-202, who are placed in such facilities ~~shall~~ MUST meet the out-of-home placement criteria described in section 19-1-107 ~~C.R.S.~~, and ~~shall~~ AND MUST be neglected or dependent as described in section 19-3-102. ~~C.R.S.~~ The state board shall establish the type of rehabilitative or medical assistance services to be provided under the program as described in subsection (3) of this section, to the extent such services are cost-efficient, and the recipient eligibility criteria that may include, but are not limited to, a medical necessity determination and a financial eligibility determination. The state board shall

define in rule the staff permitted to order, monitor, and assess seclusion and restraint in psychiatric residential treatment facilities, and the corresponding restrictions on the use of seclusion and restraint.

SECTION 112. In Colorado Revised Statutes, 25.5-6-103, amend (1) introductory portion and (1)(b) as follows:

25.5-6-103. Court-approved trusts - transfer of property for persons seeking medical assistance - rule-making authority for trusts created on or after July 1, 1994 - undue hardship. (1) The state board shall adopt such rules as are necessary with respect to trusts established pursuant to sections 15-14-412.6 to 15-14-412.9. ~~C.R.S.~~ The state board shall adopt rules that address, but need not be limited to, the following:

(b) Reasonable financial reimbursement or incentives to the state department, county departments of HUMAN OR social services, and any other designated agencies for the efforts and expenses in monitoring trusts, and where necessary, for the recovery of trust property that has been improperly distributed or otherwise expended.

SECTION 113. In Colorado Revised Statutes, 25.5-8-111, amend (1)(a)(II) as follows:

25.5-8-111. Department - administration - outsourcing. (1) (a) The department may:

(II) Use county departments of HUMAN OR social services to perform functions relating to the administration of the children's basic health plan;

SECTION 114. In Colorado Revised Statutes, 26-1-103, amend the introductory portion and (1) as follows:

26-1-103. Definitions. As used in this title TITLE 26, unless the context otherwise requires:

(1) "County board" means the county or district board of HUMAN OR social services.

SECTION 115. In Colorado Revised Statutes, 26-1-115, amend (1) and (2) as follows:

26-1-115. County departments - district departments. (1) Except as provided in subsection (2) of this section, there ~~shall be~~ IS established in each county of the state a county department of HUMAN OR social services ~~which shall consist~~ THAT CONSISTS of a county board of HUMAN OR social services, a county director of HUMAN OR social services, and such additional employees as may be necessary for the efficient performance of public assistance and welfare activities, including but not limited to assistance payments, food stamps, and social services.

(2) With the approval of the state department OF HUMAN SERVICES, two or more counties may jointly establish a district department of HUMAN OR social services. All duties and responsibilities set forth in this ~~title~~ TITLE 26 for county departments ~~shall~~ OF HUMAN OR SOCIAL SERVICES also apply to district departments OF HUMAN OR SOCIAL SERVICES.

SECTION 116. In Colorado Revised Statutes, 26-2-102.5, **amend** (2) introductory portion and (2)(a) as follows:

26-2-102.5. Foster care - Title IV-E of the social security act. (2) Such child ~~shall~~ MUST meet all of the following conditions:

(a) The placement and care of such child are the responsibility of the state department of human services or a county department of HUMAN OR social services;

SECTION 117. In Colorado Revised Statutes, 26-2-104, **amend** (2)(a)(III) as follows:

26-2-104. Public assistance programs - electronic benefits transfer service - joint reports with department of revenue - signs - rules - repeal. (2) (a) (III) In the development and implementation of the service, the state department shall consult with representatives of those persons, agencies, and organizations that will use or be affected by the electronic benefits transfer service, including program clients, to assure that the service is as workable, effective, and efficient as possible. The electronic benefits transfer service is applicable to the public assistance programs described in subsection (1) of this section and to food stamps as described in part 3 of this ~~article~~ ARTICLE 2. The state department shall contract in accordance with state purchasing requirements with any entity for the development and administration of the electronic benefits transfer

service. In order to ensure the integrity of the electronic benefits transfer service, the system developed pursuant to this section must use, but is not limited to, security measures such as individual personal identification numbers, photo identification, or fingerprint identification. The security method or methods selected must be those that are most efficient and effective. The state board shall establish by rule a policy and procedure to limit losses to a client after the client reports that the electronic benefits transfer card or benefits have been lost or stolen. The state department may authorize county departments of HUMAN OR social services to charge a fee to a client to cover the costs related to issuing a replacement electronic benefits transfer card.

SECTION 118. In Colorado Revised Statutes, 26-2-122.5, **amend** (3) as follows:

26-2-122.5. Acceptance of available money to finance the low-income energy assistance program - rules. (3) Notwithstanding the availability of additional ~~moneys~~ MONEY pursuant to subsection (2) of this section, the low-income energy assistance program ~~shall~~ **MUST** be administered within the staffing structure, in existence on July 1, 1991, of the state department of human services and county departments of HUMAN OR social services, without additional FTE.

SECTION 119. In Colorado Revised Statutes, 26-2-133, **amend** (5) as follows:

26-2-133. State income tax refund offset - rules. (5) The home addresses and social security numbers of persons subject to the income tax refund offset, provided to the state department by the department of revenue, ~~shall~~ **MUST** be sent to the respective county department of HUMAN OR social services.

SECTION 120. In Colorado Revised Statutes, 26-2-305, **amend** (1.5) as follows:

26-2-305. Fraudulent acts - penalties. (1.5) Any person against whom a county department of HUMAN OR social services or the state department obtains a civil judgment in a state or federal court of record in this state based on allegations that the person obtained or willfully aided and abetted another to obtain food stamp coupons or authorization to purchase

cards or an electronic benefits transfer card or similar credit card-type device through which food stamp benefits may be delivered the value of which is greater than that to which the person is justly entitled by means of a willfully false statement or representation, or by impersonation, or by any other fraudulent device with intent to defeat the purposes of the food stamp program, is disqualified from participation in the food stamp program for one year for a first incident, two years for a second incident, and permanently for a third or subsequent incident. Such disqualifications are mandatory and are in addition to any other remedy available to a judgment creditor.

SECTION 121. In Colorado Revised Statutes, 26-2-808, amend (2) as follows:

26-2-808. Pilot program to mitigate cliff effect for low-income families who are working and receiving child care assistance - legislative declaration - county participation - fund - grant program - report - repeal. (2) Beginning on April 13, 2012, the state department is authorized to develop and oversee a pilot program in which the Colorado child care assistance program as outlined in section 26-2-805 is modified to mitigate the cliff effect for low-income families who are working and receiving child care assistance, referred to in this section as the "pilot program". The counties are highly encouraged to design the cliff mitigation to be revenue neutral for each individual family participating in the pilot program. County departments of HUMAN OR social services may apply to the executive director or his or her designee to participate in the pilot program. Counties are highly encouraged to collaborate with early childhood councils and other community partners as necessary in the development of the application. Subject to available ~~moneys~~ MONEY in the fund, the executive director or his or her designee may select the counties that will participate in the pilot program as described in this section. In selecting the counties, the executive director or his or her designee shall seek diversity in the size of population, regional location, and demographic composition and shall consider whether there will be enough participants in each pilot program to enable researchers to evaluate whether the strategies used in the pilot program have addressed the cliff effect. The executive director or his or her designee shall enter into a memorandum of understanding with each county department selected to participate in the pilot program. The memorandum of understanding governs the implementation of the pilot program in that county, including but not limited to how the county decides which and how

many families can participate in the pilot program.

SECTION 122. In Colorado Revised Statutes, amend 26-5-108 as follows:

26-5-108. Developmental assessment - rules. The appropriate county department of human OR SOCIAL services shall refer each child under five years of age who is the subject of a substantiated case of abuse or neglect to the appropriate state or local agency for developmental screening within sixty days after abuse or neglect has been substantiated. The state board shall promulgate rules to implement this section.

SECTION 123. In Colorado Revised Statutes, 26-5.5-104, amend (5) as follows:

26-5.5-104. Statewide family preservation program - creation - single state agency designated - program criteria established - available services - powers and duties of agencies - local oversight - feasibility report. (5) The state department of human services and county departments of HUMAN OR social services may seek the assistance of any public or private entity in carrying out the duties set forth in this ~~article~~ ARTICLE 5.5. In addition, the state department may contract with any public or private entity in providing the services described in this ~~article~~ ARTICLE 5.5. Priority ~~shall~~ MUST be given to vendors who provide the most geographically and culturally relevant services.

SECTION 124. In Colorado Revised Statutes, 26-5.7-102, amend the introductory portion and (1) as follows:

26-5.7-102. Definitions. As used in this ~~article~~ ARTICLE 5.7, unless the context otherwise requires:

(1) "County department" means the county, city and county, or district department of HUMAN OR social services.

SECTION 125. In Colorado Revised Statutes, 26-6-102, amend (4), (30) introductory portion, and (30)(a) as follows:

26-6-102. Definitions. As used in this article 6, unless the context otherwise requires:

(4) "Certification" means the process by which the county department of HUMAN OR social services or a child placement agency approves the operation of a foster care home.

(30) "Public services short-term child care facility" means a facility that is operated by or for a county department of HUMAN OR social services or a court and that provides care for a child:

(a) While the child's parent or the person in charge of the child is conducting business with the county department of HUMAN OR social services or participating in court proceedings;

SECTION 126. In Colorado Revised Statutes, 26-6-106, amend (6)(a) introductory portion and (6)(b) as follows:

26-6-106. Standards for facilities and agencies - rules. (6) (a) A county director of HUMAN OR social services, or his or her designee, may approve, at his or her discretion, a waiver of non-safety licensing standards for kinship foster care. A waiver may only be approved if:

(b) In addition to an approved waiver of non-safety licensing standards, a county director of HUMAN OR social services, or his or her designee, may limit or restrict a license issued to a kinship foster care entity or require that entity to enter into a compliance agreement to ensure the safety and well-being of the child or children in that entity's care.

SECTION 127. In Colorado Revised Statutes, 26-6-108.5, amend (1)(d) as follows:

26-6-108.5. Notice of negative licensing action - filing of complaints. (1) (d) Nothing in this subsection (1) ~~shall be construed to preclude the~~ PRECLUDES THE STATE department or a county department of HUMAN OR social services from notifying parents of serious violations of any of the standards prescribed and published by the department or any of the provisions of this part 1 that could impact the health, safety, or welfare of a child cared for at the facility or home.

SECTION 128. In Colorado Revised Statutes, 26-6.4-103, amend the introductory portion and (1) as follows:

26-6.4-103. Definitions. As used in this ~~article~~ ARTICLE 6.4, unless the context otherwise requires:

(1) "Entity" means any nonprofit, not-for-profit, or for-profit corporation, religious or charitable organization, institution of higher education, visiting nurse association, existing visiting nurse program, county, district, or municipal public health agency, county department of HUMAN OR social services, political subdivision of the state, or other governmental agency or any combination thereof.

SECTION 129. In Colorado Revised Statutes, 26-6.5-101.5, **amend** (3) as follows:

26-6.5-101.5. Definitions. As used in this part 1, unless the context otherwise requires:

(3) "County department" means the county or district department of HUMAN OR social services.

SECTION 130. In Colorado Revised Statutes, 26-6.5-103.5, **amend** (3)(b) introductory portion and (3)(b)(I) as follows:

26-6.5-103.5. Early childhood councils - membership.
(3) (b) Early childhood council membership ~~shall~~ **MUST** include representatives from the public and private stakeholders from early care and education, family support, health, and mental health programs who reflect local needs and cultural diversity. The membership of each early childhood council ~~shall~~ **MUST** also represent the geographic diversity within the county or counties involved in the council. Each council ~~shall~~ **MUST** include a minimum of ten members with representation from each of the following stakeholder groups within the council's service area:

(I) Local government, including but not limited to county commissioners, city council members, local school district board members, and local county departments of human OR SOCIAL services;

SECTION 131. In Colorado Revised Statutes, 26-6.7-102, **amend** the introductory portion and (2) as follows:

26-6.7-102. Definitions. As used in this ~~article~~ ARTICLE 6.7, unless

the context otherwise requires:

(2) "County department" means a county or district department of HUMAN OR social services.

SECTION 132. In Colorado Revised Statutes, 26-11.5-105, **amend** (1) introductory portion and (1)(a)(I) as follows:

26-11.5-105. Duties of state long-term care ombudsman. (1) In addition to such other duties and functions as the state department may allocate to the office, the state long-term care ombudsman ~~shall have~~ HAS the following duties and functions in implementing a statewide long-term care ombudsman program:

(a) (I) Establish statewide policies and procedures for operating the state long-term care ombudsman program including procedures to identify, investigate, and seek the resolution or referral of complaints made by or on behalf of any resident related to any action, inaction, or decision of any provider of long-term care services or of any public agency, including the state department of human services and county departments of HUMAN OR social services, that may adversely affect the health, safety, welfare, or rights of the resident.

SECTION 133. In Colorado Revised Statutes, 26-11.5-113, **amend** (1)(a) as follows:

26-11.5-113. Duties of state PACE ombudsman - repeal. (1) The state PACE ombudsman has the following duties and functions:

(a) No later than July 1, 2017, establish statewide policies and procedures to identify, investigate, and seek the resolution or referral of complaints made by or on behalf of a PACE participant related to any action, inaction, or decision of any PACE organization or PACE provider or of any public agency, including the state department of human services and county departments of HUMAN OR social services, that may adversely affect the health, safety, welfare, or rights of the PACE participant. The policies and procedures established pursuant to this subsection (1)(a) must ensure that, while upholding the participant-directed nature of an ombudsman's advocacy, the actions of the state PACE ombudsman or local PACE ombudsmen are consistent with a PACE organization's duties and

responsibilities under federal law.

SECTION 134. In Colorado Revised Statutes, 26-1-129, amend (2)(b) as follows:

26-1-129. Comprehensive information - packet of aged services and programs - implementation. (2) (b) The state department shall supervise the compilation of an information packet containing information on the said programs and services, their eligibility requirements, mode of delivery, and application forms, and shall make a single copy of the compiled information available to specified local agencies serving the aged, including the county departments of HUMAN OR social services and the area agencies on aging.

SECTION 135. In Colorado Revised Statutes, 26-13-102.5, amend the introductory portion and (1) as follows:

26-13-102.5. Definitions. As used in this ~~article~~ ARTICLE 13, unless the context otherwise requires:

(1) "Delegate child support enforcement unit" means the unit of a county department of HUMAN OR social services or its contractual agent ~~which~~ THAT is responsible for carrying out the provisions of this ~~article~~ ARTICLE 13. The term contractual agent ~~shall include~~ INCLUDES a private child support collection agency, operating as an independent contractor with a county department of HUMAN OR social services, that contracts to provide any services that the delegate child support enforcement unit is required by law to provide.

SECTION 136. In Colorado Revised Statutes, 26-13-108, amend (1) as follows:

26-13-108. Recovery of public assistance paid for child support and maintenance - interest collected on support obligations - designation in annual general appropriations act. (1) Whenever the state department, a county department or its authorized agent, or a district attorney recovers any amounts of support for public assistance recipients, such amounts shall be deposited in the county social services fund, and, if such support is used to reimburse public assistance paid in accordance with federal law, the federal government ~~shall be~~ IS entitled to a share in

accordance with applicable federal law, the county ~~shall be~~ IS entitled to a share in accordance with state law, and the state ~~shall be~~ IS entitled to the remaining share. The state may redirect all or a portion of the state's share to the county pursuant to section 26-13-112.5. The general assembly shall designate in a footnote in the annual general appropriations act the portion of the state's share that is redirected to the counties. Costs and expenses reasonably and necessarily incurred by the office of district or county attorney, as contractual agent for a county department, in carrying out the provisions of this ~~article~~ ~~shall~~ ARTICLE 13 MUST be billed to county departments of HUMAN OR social services or a county department of HUMAN OR social services within the judicial district for the actual cost of services provided. Each county shall make an annual accounting to the state department on all amounts recovered.

SECTION 137. In Colorado Revised Statutes, 26-13.5-102, **amend** the introductory portion and (7) as follows:

26-13.5-102. Definitions. As used in this ~~article~~ ARTICLE 13.5, unless the context otherwise requires:

(7) "Delegate child support enforcement unit" means the unit of a county department of HUMAN OR social services or its contractual agent ~~which~~ THAT is responsible for carrying out the provisions of article 13 of this ~~title~~ TITLE 26. The term contractual agent ~~shall include~~ INCLUDES a private child support collection agency, operating as an independent contractor with a county department of HUMAN OR social services, or a district attorney's office, that contracts to provide any services that the delegate child support enforcement unit is required by law to provide.

SECTION 138. In Colorado Revised Statutes, 26-20-102, **amend** (1)(b)(IV) as follows:

26-20-102. Definitions. As used in this article 20, unless the context otherwise requires:

(1) (b) "Agency" does not include:

(IV) Any county department of HUMAN OR social services when engaged in performance of duties pursuant to part 3 of article 3 of title 19.
~~C.R.S.~~

SECTION 139. In Colorado Revised Statutes, 27-67-103, **amend** (4) as follows:

27-67-103. Definitions. As used in this article 67, unless the context otherwise requires:

(4) "County department" means the county or district department of HUMAN OR social services.

SECTION 140. In Colorado Revised Statutes, 27-80-101, **amend** (5) as follows:

27-80-101. Definitions. As used in this article 80, unless the context otherwise requires:

(5) "Public program" means a program concerning the problems of alcohol or drug abuse sponsored by a county, district, or municipal public health agency, county department of HUMAN OR social services, court, probation department, law enforcement agency, school, school system, board of cooperative services, Indian tribal reservation, or state agency. "Public program" includes any alcohol or drug abuse treatment program required as a condition of probation under part 2 of article 11 of title 16, any alcohol or drug abuse program administered by the division of adult parole under article 2 of title 17, any community correctional facility or program administered under article 27 of title 17, and any alcohol or drug abuse treatment program administered by the division of youth services under title 19.

SECTION 141. In Colorado Revised Statutes, 28-3-1704, **amend** (3) introductory portion and (3)(b) as follows:

28-3-1704. Youth challenge corps program - authority - youth challenge corps program fund - creation. (3) The program ~~shall~~ **MUST** comply with any applicable state licensing requirements and ~~shall~~ **MUST** establish a collaborative partnership composed of a representative from, at a minimum, the following:

(b) A DIRECTOR OF A county department of human OR SOCIAL services; ~~director;~~

SECTION 142. In Colorado Revised Statutes, 42-2-108, amend (1)(a) and (1)(b)(I) as follows:

42-2-108. Application of minors. (1) (a) The application of any person under eighteen years of age for an instruction permit or minor driver's license shall ~~shall~~ **MUST** be accompanied by an affidavit of liability signed and verified by the parent, stepparent, grandparent with power of attorney, guardian, spouse of the applicant if the spouse is eighteen years of age or older, or, in the event there is no such person, guardian, or spouse, any other responsible adult who is willing to assume the obligation imposed under this article 2 upon an adult signing the affidavit of liability for a minor. When an applicant has been made a ward of any court in the state for any reason and has been placed in a foster home, the foster parents or parent may sign the affidavit of liability for the minor. If the parent or foster parent is unwilling or unable to sign the affidavit of liability, a guardian ad litem, a designated official of the county department of HUMAN OR social services having custody of the applicant, or a designated official of the division of youth services in the STATE department of human services having custody of the applicant may sign the application for an instruction permit without signing the affidavit of liability for the minor if the requirements of subsection (1)(b) of this section are met; except that, prior to signing the application for an instruction permit, the guardian ad litem or other designated official shall notify the court of his or her intent to sign the application, and except that, the guardian ad litem or designated official shall not sign the application for an instruction permit for a minor who is placed in a foster care home and is under seventeen and one-half years of age without first obtaining the consent of the foster parent. If the minor is seventeen and one-half years of age or older and is in the care of a foster parent, in order to prepare the minor for emancipation from foster care and to assist the minor in obtaining important life skills, the guardian ad litem or designated official shall consult with the foster parent of the minor about the opportunity for the minor to learn driving skills under the restrictions provided in subsection (1)(b) of this section prior to signing an application for an instruction permit. The guardian ad litem or designated official shall solicit the opinion of the minor's foster parent concerning the minor's ability to exercise good judgment and make decisions as well as the minor's overall capacity to drive. When a minor to whom an instruction permit or minor driver's license has been issued is required to appear before the department for a hearing pursuant to any provision of this article 2, the minor must be accompanied by the person who signed the affidavit of liability for the

minor or by the guardian ad litem or designated official who signed the application for an instruction permit for the minor. If the person who signed the minor's affidavit of liability or application for an instruction permit is unable to attend the hearing, he or she shall submit to the department a verified signed statement certifying under oath that he or she is aware of the purpose of the hearing but cannot attend.

(b) The department shall issue an instruction permit to an applicant under the age of eighteen years who is otherwise eligible to obtain an instruction permit and who has been made a ward of the court and who is in out-of-home placement without the requirement of a parent, guardian, stepparent, or foster parent signing an affidavit of liability if the following requirements are met:

(I) The guardian ad litem, a designated official of the county department of HUMAN OR social services having custody of ~~such~~ THE applicant, or a designated official of the division of youth services in the STATE department of human services having custody of ~~such~~ THE applicant signs the application for an instruction permit;

SECTION 143. In Colorado Revised Statutes, 42-2-306, **amend** (1)(a)(III.5)(B) as follows:

42-2-306. Fees - disposition. (1) The department shall charge and collect the following fees:

(a) (III.5) The department shall not charge a fee to an applicant who is:

(B) Referred by a county department of HUMAN OR social services pursuant to section 25.5-4-205 (3), 26-2-106 (3), or 26-5-101 (3)(o); ~~C.R.S.~~; or

SECTION 144. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.



Kevin J. Grantham
PRESIDENT OF
THE SENATE



Crisanta Duran
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Effie Ameen
SECRETARY OF
THE SENATE

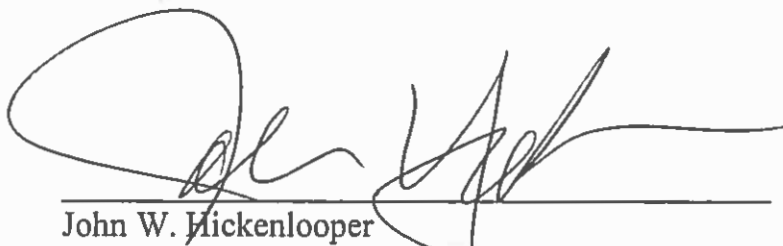


Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED

9:15 am

3/15/18



John W. Mickenlooper
GOVERNOR OF THE STATE OF COLORADO